

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Cemetery Consumer Bill of Rights Act.

6 Section 5. Definitions.

7 "Cemetery authority" means any individual or legal entity
8 that owns or controls cemetery lands or property.

9 "Cemetery merchandise" means items of personal property
10 normally sold by a cemetery authority not covered under the
11 Illinois Funeral or Burial Funds Act, including, but not
12 limited to: (1) memorials, (2) markers, (3) monuments, (4)
13 foundations and installations, and (5) outer burial
14 containers.

15 "Cemetery services" means those services customarily
16 performed by cemetery or crematory personnel in connection with
17 the interment, entombment, inurnment, or cremation of a dead
18 human body.

19 "Term burial" means a right of interment sold to a consumer
20 in which the cemetery authority retains the right to disinter
21 and relocate the remains.

22 Section 10. Consumer privileges.

1 (a) A record of decedent's grave location shall be open to
2 public inspection consistent with State and federal law. The
3 cemetery authority shall make available, consistent with State
4 and federal law, a true copy of the grave location of a
5 decedent currently in the cemetery authority's records, upon
6 written request and payment of reasonable copy costs. At the
7 time of the interment, entombment, or inurnment, the cemetery
8 authority shall provide the record of the deceased's grave
9 location to the person who would have authority to dispose of
10 the decedent's remains under the Disposition of Remains Act.

11 (b) Consumers have the right to purchase cemetery
12 merchandise or cemetery services directly from the cemetery
13 authority when available or through a third-party vendor of the
14 consumer's choice, other than opening and closing services,
15 without incurring a penalty or additional charge by the
16 cemetery authority; provided, however, that consumers do not
17 have the right to purchase types of cemetery merchandise or
18 cemetery services that would violate applicable law, any
19 collective bargaining agreement, or the cemetery authority's
20 rules and regulations.

21 (c) Consumers have the right to complain to the cemetery
22 authority regarding cemetery-related products purchased from
23 the cemetery and services as well as issues with customer
24 service, maintenance, or other cemetery activities for which
25 they have paid for.

1 Section 15. Cemetery duties for all cemetery authorities.

2 (a) Prices for all cemetery merchandise and cemetery
3 services offered for sale by the cemetery authority must be
4 disclosed to the consumer in writing on a standardized price
5 list. Memorialization pricing may be disclosed in price ranges.
6 The price list shall include the effective dates of the prices.
7 The price list shall include not only the range of interment,
8 inurnment, and entombment rights and the cost of extending the
9 term of any term burial, but also any related cemetery
10 merchandise or cemetery services offered by the cemetery
11 authority that are standard but are not incidentals, such as
12 flowers and later date inscriptions or any items that are
13 specialty items that need to be priced separately. Charges for
14 installation of markers, monuments, and vaults in cemeteries
15 must be the same without regard to where the item is purchased.

16 (b) Both the consumer and the cemetery authority or its
17 representative must sign a contract for the interment,
18 inurnment, or entombment of human remains. Before a contract is
19 signed, the prices for the purchased cemetery services and
20 cemetery merchandise must be disclosed on the contract and in
21 plain language. If a contract is for a term burial, the term,
22 the option to extend the term, and the subsequent disposition
23 of the human remains post-term must be in bold print and
24 discussed with the consumer. Any contract for the sale of an
25 interment right, entombment right, or inurnment right, when
26 designated, must disclose the exact location of the burial plot

1 based on the survey of the cemetery map or plat on file with
2 the cemetery authority.

3 (c) A cemetery authority that has the legal right to extend
4 a term burial shall, prior to disinterment, provide the family
5 or other authorized agent under the Disposition of Remains Act
6 the opportunity to extend the term of a term burial for the
7 cost as stated on the cemetery authority's current price list.
8 Regardless of whether the family or other authorized agent
9 chooses to extend the term burial, the cemetery authority
10 shall, prior to disinterment, provide notice to the family or
11 other authorized agent under the Disposition of Remains Act of
12 the cemetery authority's intention to disinter the remains and
13 to inter different human remains in that space.

14 (d) The cemetery authority is hereby authorized to make
15 bylaws or rules and regulations for the government thereof, and
16 to make rules regarding the driving of cars, motorcycles,
17 carriages, processions, teams, and the speed thereof, the use
18 of avenues, lots, walks, ponds, water courses, vaults,
19 buildings, or other places within such cemetery, the operations
20 and good management in such cemetery, the protection of
21 visitors, the protection of employees, and for the maintenance
22 of good order and quiet in such cemetery. All such rules shall
23 be subject to the rights of interment, entombment, or inurnment
24 right owners or others, owning any interest in such cemetery.
25 The rules and regulations must be reasonable.

26 (e) No cemetery authority or its agent may engage in

1 deceptive or unfair practices. The cemetery authority and its
2 agents may not intentionally misrepresent legal or cemetery
3 requirements.

4 (f) When a consumer purchases a grave liner or outer burial
5 container, the consumer shall be notified that neither grave
6 liners nor outer burial containers are designed to prevent the
7 eventual decomposition of human remains. When selling an outer
8 burial container or grave liner, a cemetery may not claim that
9 an outer burial container will not crack or keep water, dirt,
10 or other debris from penetrating into the casket.

11 (g) No cemetery authority shall disclose financial or
12 other confidential information consisting of social security
13 number, date of birth, driver's license number, home or
14 employer address, phone number, e-mail address, or any other
15 information protected by State and federal laws regarding the
16 deceased or the person providing for the burial.

17 (h) All cemetery authorities shall maintain cemetery
18 property adequately pursuant to the standard of care provided
19 for in this Section 10 to ensure visitors the opportunity to
20 visit decedents during cemetery hours. Gravesite grass levels
21 shall not exceed 8 inches. Consideration shall be given in the
22 event of severe weather, earthquakes, acts of terrorism, acts
23 of war, or acts of God that prevent visitation, mowing of the
24 grass, or any other maintenance.

25 (i) The cemetery authority shall provide a standard of care
26 as provided for in its contracts and based upon expenditures

1 from the income derived from the principal amount of care funds
2 to be used for the maintenance of a cemetery and of the lots,
3 graves, crypts, niches, family mausoleums, memorials, and
4 markers in the cemetery, including: (i) the cutting and
5 trimming of lawn, shrubs, and trees at reasonable intervals;
6 (ii) keeping in repair the drains, water lines, roads,
7 buildings, fences, and other structures in keeping with a well
8 maintained cemetery; (iii) maintenance of machinery, tools,
9 and equipment for such care; (iv) compensation of employees,
10 payment of insurance premiums, and reasonable payments for
11 employees pension and other benefits plans; and (v) to the
12 extent surplus income from the care fund is available, the
13 payment of overhead expenses necessary for such purposes and
14 for maintaining necessary records of lot ownership, transfers,
15 and burials.

16 (j) No cemetery authority shall require payment for any
17 goods, services, or easement by cash only. Each cemetery
18 authority subject to this Section shall permit payment by at
19 least one other option, including, but not limited to, personal
20 check, cashier's check, money order, or credit or debit card.
21 In addition to the contract for the sale of cemetery goods,
22 services, or easements, the cemetery authority shall provide a
23 receipt to the consumer upon payment in part or full, whatever
24 the case may be, except when a payment is made by check or
25 money order by mail on an open account, then the check or money
26 order receipt shall serve as a receipt.

1 (k) No cemetery authority shall interfere with a licensed
2 funeral director or his or her designated agent observing the
3 final burial or disposition of human remains for which the
4 funeral director has a contract for services related to that
5 deceased individual. No funeral director or his or her
6 designated agent shall interfere with a cemetery authority or
7 its designated agent's rendering of burial or other disposition
8 services for human remains for which the cemetery authority has
9 a contract for goods, services, or property related to that
10 deceased individual.

11 Section 20. Whistleblower protection.

12 (a) "Retaliatory action" means the reprimand, discharge,
13 suspension, demotion, denial of promotion or transfer, or
14 change in the terms and conditions of employment of any
15 cemetery employee that is taken in retaliation for an
16 employee's participation in protected activity, as set forth in
17 this Section.

18 (b) A cemetery authority shall not take any retaliatory
19 action against any cemetery personnel because they have:

20 (1) disclosed or threatened to disclose to a supervisor
21 or to a public body an activity, policy, or practice of a
22 supervisor, any cemetery employee, or the cemetery
23 authority that the supervisor or cemetery employee
24 reasonably believes is in violation of a law, rule, or
25 regulation;

1 (2) provided information to or testified before any
2 public body conducting an investigation, hearing, or
3 inquiry into any violation of a law, rule, or regulation by
4 a supervisor or cemetery authority; or

5 (3) assisted or participated in a proceeding to enforce
6 the provisions of this Act.

7 (c) A violation of this Section may be established only
8 upon a finding that (i) the cemetery supervisor or cemetery
9 employee engaged in conduct described in subsection (b) of this
10 Section and (ii) that this conduct was a contributing factor in
11 the retaliatory action alleged by the cemetery supervisor or
12 cemetery employee. It is not a violation, however, if it is
13 demonstrated by clear and convincing evidence that the cemetery
14 authority would have taken the same unfavorable personnel
15 action in the absence of that conduct.

16 (d) The cemetery employee or cemetery supervisor may be
17 awarded all remedies necessary to make the cemetery employee or
18 cemetery supervisor whole and to prevent future violations of
19 this Section. Remedies imposed by the court may include, but
20 are not limited to, all of the following:

21 (1) reinstatement of the individual to either the same
22 position held before the retaliatory action or to an
23 equivalent position;

24 (2) two times the amount of back pay;

25 (3) interest on the back pay;

26 (4) the reinstatement of full fringe benefits and

1 seniority rights; and

2 (5) the payment of reasonable costs and attorneys'
3 fees.

4 (e) Nothing in this Section shall be deemed to diminish the
5 rights, privileges, or remedies of a cemetery employee or
6 cemetery supervisor under any other federal or State law, rule,
7 or regulation or under any employment contract.

8 Section 25. Rights of consumers.

9 (a) All cemetery authorities shall respect the rights of
10 consumers of cemetery products and services as provided in this
11 Act. When it is found that there is a failure to abide by the
12 cemetery authority's duties listed in this Act or to comply
13 with a request by a consumer based on a consumer's privileges
14 under this Section, the aggrieved may bring suit against the
15 cemetery authority in the circuit court of the county in which
16 the contract became binding for any remedy provided by the
17 common or statute law of this State.

18 (b) An action to enjoin any person subject to this Act from
19 engaging in activity in violation of this Act may be maintained
20 in the name of the People of the State of Illinois by the
21 State's Attorney of the county in which the action is brought.

22 Section 30. Consumer complaints.

23 (a) A consumer may contact the State's Attorney of the
24 county in which the cemetery is located to register a complaint

1 about any violation of this Act.

2 (b) With the exception of a Cemetery Association that is
3 operated by volunteers and the cemetery has no office, a sign
4 must be posted in 18-point, bold font, on a page that is 8 X 10
5 minimum, in the cemetery authority office when there is a
6 cemetery office on the site of the cemetery. The sign shall
7 include the name, office address, and office phone numbers of
8 the State's Attorney's office of the county in which the
9 cemetery is located.

10 Section 35. Enforcement. The State's Attorney of any county
11 in this State may bring an action in the name of the State
12 against any person to restrain and prevent any violation of
13 this Act. In the enforcement of this Act, the State's Attorney
14 may accept an assurance of discontinuance of any act or
15 practice deemed in violation of this Act from any person
16 engaging in, or who has engaged in, that act or practice.
17 Failure to perform the terms of any such assurance constitutes
18 prima facie proof of a violation of this Act.

19 Section 40. Violations. Any person who knowingly violates
20 any of the provisions of this Act shall be guilty of a business
21 offense and shall be required to pay a penalty of no less than
22 \$500 or more than \$1,000, for each offense to be recovered in
23 the name of the People of the State of Illinois by the State's
24 Attorney of the county in which the violation occurs, and the

1 penalty so recovered shall be paid into the county treasury.

2 Section 910. The Counties Code is amended by changing
3 Section 3-3034 as follows:

4 (55 ILCS 5/3-3034) (from Ch. 34, par. 3-3034)

5 Sec. 3-3034. Disposition of body. After the inquest the
6 coroner may deliver the body or human remains of the deceased
7 to the family of the deceased or, if there are no family
8 members to accept the body or the remains, then to friends of
9 the deceased, if there be any, but if not, the coroner shall
10 cause the body or the remains to be decently buried, cremated,
11 or donated for medical science purposes, the expenses to be
12 paid from the property of the deceased, if there is sufficient,
13 if not, by the county. The coroner may not approve the
14 cremation or donation of the body if it is necessary to
15 preserve the body for law enforcement purposes. If the State
16 Treasurer, pursuant to the Uniform Disposition of Unclaimed
17 Property Act, delivers human remains to the coroner, the
18 coroner shall cause the human remains to be disposed of as
19 provided in this Section. If the police department of any city,
20 town, or county investigates abandoned cremated remains and can
21 not locate the owner of the cremated remains that are also
22 considered as human remains, then the police shall deliver such
23 human remains to the coroner, and the coroner shall cause the
24 human remains to be disposed of as provided in this Section.

1 (Source: P.A. 96-1339, eff. 7-27-10.)

2 Section 912. The Funeral Directors and Embalmers Licensing
3 Code is amended by changing Section 15-75 as follows:

4 (225 ILCS 41/15-75)

5 (Section scheduled to be repealed on January 1, 2013)

6 Sec. 15-75. Violations; grounds for discipline; penalties.

7 (a) Each of the following acts is a Class A misdemeanor for
8 the first offense, and a Class 4 felony for each subsequent
9 offense. These penalties shall also apply to unlicensed owners
10 of funeral homes.

11 (1) Practicing the profession of funeral directing and
12 embalming or funeral directing, or attempting to practice
13 the profession of funeral directing and embalming or
14 funeral directing without a license as a funeral director
15 and embalmer or funeral director.

16 (2) Serving as an intern under a licensed funeral
17 director and embalmer or attempting to serve as an intern
18 under a licensed funeral director and embalmer without a
19 license as a licensed funeral director and embalmer intern.

20 (3) Obtaining or attempting to obtain a license,
21 practice or business, or any other thing of value, by fraud
22 or misrepresentation.

23 (4) Permitting any person in one's employ, under one's
24 control or in or under one's service to serve as a funeral

1 director and embalmer, funeral director, or funeral
2 director and embalmer intern when the person does not have
3 the appropriate license.

4 (5) Failing to display a license as required by this
5 Code.

6 (6) Giving false information or making a false oath or
7 affidavit required by this Code.

8 (b) The Department may refuse to issue or renew a license
9 or may revoke, suspend, place on probation, reprimand, or take
10 other disciplinary action as the Department may deem
11 appropriate, including imposing fines not to exceed \$10,000 for
12 each violation, with regard to any license under the Code for
13 any one or combination of the following:

14 (1) Obtaining or attempting to obtain a license by
15 fraud or misrepresentation.

16 (2) Conviction in this State or another state of any
17 crime that is a felony or misdemeanor under the laws of
18 this State or conviction of a felony or misdemeanor in a
19 federal court.

20 (3) Violation of the laws of this State relating to the
21 funeral, burial or disposal of deceased human bodies or of
22 the rules and regulations of the Department, or the
23 Department of Public Health.

24 (4) Directly or indirectly paying or causing to be paid
25 any sum of money or other valuable consideration for the
26 securing of business or for obtaining authority to dispose

1 of any deceased human body.

2 (5) Professional incompetence, gross malpractice, or
3 untrustworthiness in the practice of funeral directing and
4 embalming or funeral directing.

5 (6) False or misleading advertising as a funeral
6 director and embalmer or funeral director, or advertising
7 or using the name of a person other than the holder of a
8 license in connection with any service being rendered in
9 the practice of funeral directing and embalming or funeral
10 directing. Nothing in this paragraph shall prevent
11 including the name of any owner, officer or corporate
12 director of a funeral business who is not a licensee in any
13 advertisement used by a funeral home with which the
14 individual is affiliated if the advertisement specifies
15 the individual's affiliation with the funeral home.

16 (7) Engaging in, promoting, selling, or issuing burial
17 contracts, burial certificates, or burial insurance
18 policies in connection with the profession as a funeral
19 director and embalmer, funeral director, or funeral
20 director and embalmer intern in violation of any laws of
21 the State of Illinois.

22 (8) Refusing, without cause, to surrender the custody
23 of a deceased human body upon the proper request of the
24 person or persons lawfully entitled to the custody of the
25 body.

26 (9) Taking undue advantage of a client or clients as to

1 amount to the perpetration of fraud.

2 (10) Engaging in funeral directing and embalming or
3 funeral directing without a license.

4 (11) Encouraging, requesting, or suggesting by a
5 licensee or some person working on his behalf and with his
6 consent for compensation that a person utilize the services
7 of a certain funeral director and embalmer, funeral
8 director, or funeral establishment unless that information
9 has been expressly requested by the person. This does not
10 prohibit general advertising or pre-need solicitation.

11 (12) Making or causing to be made any false or
12 misleading statements about the laws concerning the
13 disposal of human remains, including, but not limited to,
14 the need to embalm, the need for a casket for cremation or
15 the need for an outer burial container.

16 (13) (Blank).

17 (14) Embalming or attempting to embalm a deceased human
18 body without express prior authorization of the person
19 responsible for making the funeral arrangements for the
20 body. This does not apply to cases where embalming is
21 directed by local authorities who have jurisdiction or when
22 embalming is required by State or local law.

23 (15) Making a false statement on a Certificate of Death
24 where the person making the statement knew or should have
25 known that the statement was false.

26 (16) Soliciting human bodies after death or while death

1 is imminent.

2 (17) Performing any act or practice that is a violation
3 of this Code, the rules for the administration of this
4 Code, or any federal, State or local laws, rules, or
5 regulations governing the practice of funeral directing or
6 embalming.

7 (18) Performing any act or practice that is a violation
8 of Section 2 of the Consumer Fraud and Deceptive Business
9 Practices Act.

10 (19) Engaging in unethical or unprofessional conduct
11 of a character likely to deceive, defraud or harm the
12 public.

13 (20) Taking possession of a dead human body without
14 having first obtained express permission from next of kin
15 or a public agency legally authorized to direct, control or
16 permit the removal of deceased human bodies.

17 (21) Advertising in a false or misleading manner or
18 advertising using the name of an unlicensed person in
19 connection with any service being rendered in the practice
20 of funeral directing or funeral directing and embalming.
21 The use of any name of an unlicensed or unregistered person
22 in an advertisement so as to imply that the person will
23 perform services is considered misleading advertising.
24 Nothing in this paragraph shall prevent including the name
25 of any owner, officer or corporate director of a funeral
26 home, who is not a licensee, in any advertisement used by a

1 funeral home with which the individual is affiliated, if
2 the advertisement specifies the individual's affiliation
3 with the funeral home.

4 (22) Directly or indirectly receiving compensation for
5 any professional services not actually performed.

6 (23) Failing to account for or remit any monies,
7 documents, or personal property that belongs to others that
8 comes into a licensee's possession.

9 (24) Treating any person differently to his detriment
10 because of race, color, creed, gender, religion, or
11 national origin.

12 (25) Knowingly making any false statements, oral or
13 otherwise, of a character likely to influence, persuade or
14 induce others in the course of performing professional
15 services or activities.

16 (26) Knowingly making or filing false records or
17 reports in the practice of funeral directing and embalming.

18 (27) Failing to acquire continuing education required
19 under this Code.

20 (28) Violations of this Code or of the rules adopted
21 pursuant to this Code.

22 (29) Aiding or assisting another person in violating
23 any provision of this Code or rules adopted pursuant to
24 this Code.

25 (30) Failing within 10 days, to provide information in
26 response to a written request made by the Department.

1 (31) Discipline by another state, District of
2 Columbia, territory, or foreign nation, if at least one of
3 the grounds for the discipline is the same or substantially
4 equivalent to those set forth in this Section.

5 (32) Directly or indirectly giving to or receiving from
6 any person, firm, corporation, partnership, or association
7 any fee, commission, rebate, or other form of compensation
8 for professional services not actually or personally
9 rendered.

10 (33) Inability to practice the profession with
11 reasonable judgment, skill, or safety.

12 (34) Gross, willful, or continued charging
13 ~~overcharging~~ for professional services, including filing
14 false statements for collection of fees for which services
15 are not rendered.

16 (35) A pattern of practice or other behavior that
17 demonstrates incapacity or incompetence to practice under
18 this Code.

19 (36) Failing to comply with any of the following
20 required activities:

21 (A) When reasonably possible, a funeral director
22 licensee or funeral director and embalmer licensee or
23 anyone acting on his or her behalf shall obtain the
24 express authorization of the person or persons
25 responsible for making the funeral arrangements for a
26 deceased human body prior to removing a body from the

1 place of death or any place it may be or embalming or
2 attempting to embalm a deceased human body, unless
3 required by State or local law. This requirement is
4 waived whenever removal or embalming is directed by
5 local authorities who have jurisdiction. If the
6 responsibility for the handling of the remains
7 lawfully falls under the jurisdiction of a public
8 agency, then the regulations of the public agency shall
9 prevail.

10 (B) A licensee shall clearly mark the price of any
11 casket offered for sale or the price of any service
12 using the casket on or in the casket if the casket is
13 displayed at the funeral establishment. If the casket
14 is displayed at any other location, regardless of
15 whether the licensee is in control of that location,
16 the casket shall be clearly marked and the registrant
17 shall use books, catalogues, brochures, or other
18 printed display aids to show the price of each casket
19 or service.

20 (C) At the time funeral arrangements are made and
21 prior to rendering the funeral services, a licensee
22 shall furnish a written statement of services to be
23 retained by the person or persons making the funeral
24 arrangements, signed by both parties, that shall
25 contain: (i) the name, address and telephone number of
26 the funeral establishment and the date on which the

1 arrangements were made; (ii) the price of the service
2 selected and the services and merchandise included for
3 that price; (iii) a clear disclosure that the person or
4 persons making the arrangement may decline and receive
5 credit for any service or merchandise not desired and
6 not required by law or the funeral director or the
7 funeral director and embalmer; (iv) the supplemental
8 items of service and merchandise requested and the
9 price of each item; (v) the terms or method of payment
10 agreed upon; and (vi) a statement as to any monetary
11 advances made by the registrant on behalf of the
12 family. The licensee shall maintain a copy of the
13 written statement of services in its permanent
14 records. All written statements of services are
15 subject to inspection by the Department.

16 (D) (Blank). ~~In all instances where the place of~~
17 ~~final disposition of a deceased human body or the~~
18 ~~cremated remains of a deceased human body is a~~
19 ~~cemetery, the licensed funeral director and embalmer,~~
20 ~~or licensed funeral director, who has been engaged to~~
21 ~~provide funeral or embalming services shall remain at~~
22 ~~the cemetery and personally witness the placement of~~
23 ~~the human remains in their designated grave or the~~
24 ~~sealing of the above ground depository, crypt, or urn.~~
25 ~~The licensed funeral director or licensed funeral~~
26 ~~director and embalmer may designate a licensed funeral~~

~~director and embalmer intern or representative of the funeral home to be his or her witness to the placement of the remains. If the cemetery authority, cemetery manager, or any other agent of the cemetery takes any action that prevents compliance with this paragraph (D), then the funeral director and embalmer or funeral director shall provide written notice to the Department within 5 business days after failing to comply. If the Department receives this notice, then the Department shall not take any disciplinary action against the funeral director and embalmer or funeral director for a violation of this paragraph (D) unless the Department finds that the cemetery authority, manager, or any other agent of the cemetery did not prevent the funeral director and embalmer or funeral director from complying with this paragraph (D) as claimed in the written notice.~~

(E) A funeral director or funeral director and embalmer shall fully complete the portion of the Certificate of Death under the responsibility of the funeral director or funeral director and embalmer and provide all required information. In the event that any reported information subsequently changes or proves incorrect, a funeral director or funeral director and embalmer shall immediately upon learning the correct information correct the Certificate of Death.

1 (37) A finding by the Department that the licensee
2 ~~license~~, after having his or her license placed on
3 probationary status or subjected to conditions or
4 restrictions, violated the terms of the probation or failed
5 to comply with such terms or conditions.

6 (38) Violation of any final administrative action of
7 the Secretary.

8 (39) Being named as a perpetrator in an indicated
9 report by the Department of Children and Family Services
10 pursuant to the Abused and Neglected Child Reporting Act
11 and, upon proof by clear and convincing evidence, being
12 found to have caused a child to be an abused child or
13 neglected child as defined in the Abused and Neglected
14 Child Reporting Act.

15 (c) The Department may refuse to issue or renew, or may
16 suspend, the license of any person who fails to file a return,
17 to pay the tax, penalty or interest shown in a filed return, or
18 to pay any final assessment of tax, penalty or interest as
19 required by any tax Act administered by the Illinois Department
20 of Revenue, until the time as the requirements of the tax Act
21 are satisfied.

22 (d) No action may be taken under this Code against a person
23 licensed under this Code unless the action is commenced within
24 5 years after the occurrence of the alleged violations. A
25 continuing violation shall be deemed to have occurred on the
26 date when the circumstances last existed that give rise to the

1 alleged violation.

2 (e) Nothing in this Section shall be construed or enforced
3 to give a funeral director and embalmer, or his or her
4 designees, authority over the operation of a cemetery or over
5 cemetery employees. Nothing in this Section shall be construed
6 or enforced to impose duties or penalties on cemeteries with
7 respect to the timing of the placement of human remains in
8 their designated grave or the sealing of the above ground
9 depository, crypt, or urn due to patron safety, the allocation
10 of cemetery staffing, liability insurance, a collective
11 bargaining agreement, or other such reasons.

12 (Source: P.A. 96-863, eff. 3-1-10; 96-1463, eff. 1-1-11.)

13 Section 915. The Cemetery Oversight Act is amended by
14 changing Sections 5-15, 5-20, 5-25, 10-5, 10-15, 10-20, 10-21,
15 10-23, 10-25, 10-40, 10-55, 20-5, 20-10, 20-11, 20-20, 20-30,
16 25-1, 25-5, 25-10, 25-14, 25-15, 25-25, 25-70, 25-85, 25-105,
17 25-110, 25-125, 75-20, 75-25, 75-45, and 75-50 and by adding
18 Sections 10-39 and 25-13.1 as follows:

19 (225 ILCS 411/5-15)

20 (Section scheduled to be repealed on January 1, 2021)

21 Sec. 5-15. Definitions. In this Act:

22 "Address of record" means the designated address recorded
23 by the Department in the applicant's or licensee's application
24 file or license file. It is the duty of the applicant or

1 licensee to inform the Department of any change of address
2 within 14 days either through the Department's website or by
3 contacting the Department's licensure maintenance unit. The
4 address of record for a cemetery authority shall be the
5 permanent street address of the cemetery.

6 "Applicant" means a person applying for licensure under
7 this Act as a cemetery authority or cemetery manager, ~~or~~
8 ~~customer service employee~~. Any applicant or any person who
9 holds himself or herself out as an applicant is considered a
10 licensee for purposes of enforcement, investigation, hearings,
11 and the Illinois Administrative Procedure Act.

12 "Burial permit" means a permit for the disposition of a
13 dead human body that is filed with the Illinois Department of
14 Public Health.

15 "Care" means the maintenance of a cemetery and of the lots,
16 graves, crypts, niches, family mausoleums, memorials, and
17 markers therein, including: (i) the cutting and trimming of
18 lawn, shrubs, and trees at reasonable intervals; (ii) keeping
19 in repair the drains, water lines, roads, buildings, fences,
20 and other structures, in keeping with a well-maintained
21 cemetery as provided for in Section 20-5 of this Act and
22 otherwise as required by rule; (iii) maintenance of machinery,
23 tools, and equipment for such care; (iv) compensation of
24 cemetery workers, any discretionary payment of insurance
25 premiums, and any reasonable payments for workers' pension and
26 other benefits plans; and (v) the payment of expenses necessary

1 for such purposes and for maintaining necessary records of lot
2 ownership, transfers, and burials.

3 ~~"Care funds", as distinguished from receipts from annual
4 charges or gifts for current or annual care, means any realty
5 or personalty impressed with a trust by the terms of any gift,
6 grant, contribution, payment, legacy, or pursuant to contract,
7 accepted by any cemetery authority or by any trustee, licensee,
8 agent, or custodian for the same, under Article 15 of this Act,
9 and any income accumulated therefrom, where legally so directed
10 by the terms of the transaction by which the principal was
11 established.~~

12 "Cemetery" means any land or structure in this State
13 dedicated to and used, or intended to be used, for the
14 interment, inurnment, or entombment of human remains.

15 ~~"Cemetery association" means an association of 6 or more
16 persons, and their successors in trust, who have received
17 articles of organization from the Secretary of State to operate
18 a cemetery; the articles of organization shall be in perpetuity
19 and in trust for the use and benefit of all persons who may
20 acquire burial lots in a cemetery.~~

21 "Cemetery authority" means any individual or legal entity
22 that owns or controls cemetery lands or property.

23 "Cemetery manager" means an individual who is engaged in,
24 or responsible for, or holding himself or herself out as
25 engaged in, those activities involved in or incidental to
26 supervising the following: the maintenance, operation,

1 development, or improvement of a cemetery licensed under this
2 Act; the interment of human remains; or the care, preservation,
3 and embellishment of cemetery property. The cemetery manager is
4 responsible for supervising all employees and independent
5 contractors of third-party vendors working within the
6 cemetery. ~~This definition includes, without limitation, an~~
7 ~~employee, an individual that is an independent contractor, an~~
8 ~~individual employed or contracted by an independent~~
9 ~~contractor, a third party vendor, or an individual employed or~~
10 ~~contracted by a third party vendor who is engaged in, or~~
11 ~~holding himself or herself out as engaged in, those activities~~
12 ~~involved in or incidental to supervising the following: the~~
13 ~~maintenance, operation, development, or improvement of a~~
14 ~~cemetery licensed under this Act; the interment of human~~
15 ~~remains; or the care, preservation, and embellishment of~~
16 ~~cemetery property.~~

17 "Cemetery merchandise" means items of personal property
18 normally sold by a cemetery authority not covered under the
19 Illinois Funeral or Burial Funds Act, including, but not
20 limited to:

21 (1) memorials;

22 (2) markers;

23 (3) monuments;

24 (4) foundations and installations; and

25 (5) outer burial containers.

26 "Cemetery operation" means to engage or attempt to engage

1 in the interment, inurnment, or entombment of human remains or
2 to engage in or attempt to engage in the maintenance ~~care~~ of a
3 cemetery.

4 ~~"Cemetery Oversight Database" means a database certified~~
5 ~~by the Department as effective in tracking the interment,~~
6 ~~entombment, or inurnment of human remains.~~

7 "Cemetery services" means those services customarily
8 performed by cemetery or crematory personnel in connection with
9 the interment, entombment, inurnment, or cremation of a dead
10 human body.

11 ~~"Cemetery worker" means an individual, including an~~
12 ~~independent contractor or third party vendor, who performs any~~
13 ~~work at the cemetery that is customarily performed by one or~~
14 ~~more cemetery employees, including openings and closings of~~
15 ~~vaults and graves, stone settings, inurnments, interments,~~
16 ~~entombments, administrative work, handling of any official~~
17 ~~burial records, the preparation of foundations for memorials,~~
18 ~~and routine cemetery maintenance. This definition does not~~
19 ~~include uncompensated, volunteer workers.~~

20 ~~"Certificate of organization" means the document received~~
21 ~~by a cemetery association from the Secretary of State that~~
22 ~~indicates that the cemetery association shall be deemed fully~~
23 ~~organized as a body corporate under the name adopted and in its~~
24 ~~corporate name may sue and be sued.~~

25 "Comptroller" means the Comptroller of the State of
26 Illinois.

1 "Consumer" means a person, or the persons given priority
2 for the disposition of an individual's remains under the
3 Disposition of Remains Act, who purchases or is considering
4 purchasing cemetery, burial, or cremation products or services
5 from a cemetery authority or crematory authority, whether for
6 themselves or for another person.

7 "Consumer's agent" means a person designated in writing by
8 the consumer.

9 ~~"Customer service employee" means an individual who has~~
10 ~~direct contact with consumers and explains cemetery~~
11 ~~merchandise or services or negotiates, develops, or finalizes~~
12 ~~contracts with consumers. This definition includes, without~~
13 ~~limitation, an employee, an individual that is an independent~~
14 ~~contractor, an individual that is employed or contracted by an~~
15 ~~independent contractor, a third party vendor, or an individual~~
16 ~~that is employed or contracted by a third party vendor, who has~~
17 ~~direct contact with consumers and explains cemetery~~
18 ~~merchandise or services or negotiates, develops, or finalizes~~
19 ~~contracts with consumers. This definition does not include an~~
20 ~~employee, an individual that is an independent contractor or an~~
21 ~~individual that is employed or contracted by an independent~~
22 ~~contractor, a third party vendor, or an individual that is~~
23 ~~employed or contracted by a third party vendor, who merely~~
24 ~~provides a printed cemetery list to a consumer, processes~~
25 ~~payment from a consumer, or performs sales functions related~~
26 ~~solely to incidental merchandise like flowers, souvenirs, or~~

1 ~~other similar items.~~

2 "Department" means the Department of Financial and
3 Professional Regulation.

4 "Employee" means an individual who works for a cemetery
5 authority where the cemetery authority has the right to control
6 what work is performed and the details of how the work is
7 performed regardless of whether federal or State payroll taxes
8 are withheld.

9 "Entombment right" means the right to place individual
10 human remains or individual cremated human remains in a
11 specific mausoleum crypt or lawn crypt selected by a consumer
12 for use as a final resting place.

13 "Family burying ground" means a cemetery in which no lots
14 are sold to the public and in which substantially all
15 interments are restricted to the immediate family or a group of
16 individuals related to each other by blood or marriage.

17 ~~"Full exemption" means an exemption granted to a cemetery
18 authority pursuant to subsection (a) of Section 5-20.~~

19 "Fraternal cemetery" means a cemetery owned, operated,
20 controlled, or managed by any fraternal organization or
21 auxiliary organization, in which the sale of lots, graves,
22 crypts, or niches is restricted principally to its members.

23 "Funeral director" means a funeral director as defined by
24 the Funeral Directors and Embalmers Licensing Code.

25 "Grave" means a space of ground in a cemetery used or
26 intended to be used for burial.

1 "Green burial or cremation disposition" means burial or
2 cremation practices that reduce the greenhouse gas emissions,
3 waste, and toxic chemicals ordinarily created in burial or
4 cremation or, in the case of greenhouse gas emissions, mitigate
5 or offset emissions. Such practices include standards for
6 burial or cremation certified by the Green Burial Council or
7 any other organization or method that the Department may name
8 by rule.

9 "Immediate family" means the designated agent of a person
10 or the persons given priority for the disposition of a person's
11 remains under the Disposition of Remains Act and shall include
12 a person's spouse, parents, grandparents, children,
13 grandchildren and siblings.

14 ~~"Imputed value" means the retail price of comparable rights~~
15 ~~within the same or similar area of the cemetery.~~

16 ~~"Independent contractor" means a person who performs work~~
17 ~~for a cemetery authority where the cemetery authority has the~~
18 ~~right to control or direct only the result of the work and not~~
19 ~~the means and methods of accomplishing the result.~~

20 "Individual" means a natural person.

21 "Interment right" means the right to place individual human
22 remains or cremated human remains in a specific underground
23 location selected by a consumer for use as a final resting
24 place.

25 "Inurnment right" means the right to place individual
26 cremated human remains in a specific niche selected by the

1 consumer for use as a final resting place.

2 ~~"Investment Company Act of 1940" means Title 15 of the~~
3 ~~United States Code, Sections 80a-1 to 80a-64, inclusive, as~~
4 ~~amended.~~

5 ~~"Investment company" means any issuer (a) whose securities~~
6 ~~are purchasable only with care funds or trust funds, or both;~~
7 ~~(b) that is an open and diversified management company as~~
8 ~~defined in and registered under the Investment Company Act of~~
9 ~~1940; and (c) that has entered into an agreement with the~~
10 ~~Department containing such provisions as the Department by~~
11 ~~regulation requires for the proper administration of this Act.~~

12 "Lawn crypt" means a permanent underground crypt installed
13 in multiple units for the entombment ~~interment~~ of human
14 remains.

15 "Licensee" means a person licensed under this Act as a
16 cemetery authority or ~~cemetery manager, or customer service~~
17 ~~employee~~. Anyone who holds himself or herself out as a licensee
18 or who is accused of unlicensed practice is considered a
19 licensee for purposes of enforcement, investigation, hearings,
20 and the Illinois Administrative Procedure Act. This definition
21 does not include a cemetery worker.

22 "Mausoleum crypt" means a grouping of spaces constructed of
23 reinforced concrete or similar material constructed or
24 assembled above the ground for entombing human remains. ~~space~~
25 ~~in a mausoleum used or intended to be used, above or~~
26 ~~underground, to entomb human remains.~~

1 "Municipal cemetery" means a cemetery owned, operated,
2 controlled, or managed by any city, village, incorporated town,
3 township, county, or other municipal corporation, political
4 subdivision, or instrumentality authorized by law to own,
5 operate, or manage a cemetery.

6 "Niche" means a space in a columbarium or mausoleum used,
7 or intended to be used, for inurnment of cremated human
8 remains.

9 ~~"Partial exemption" means an exemption granted to a~~
10 ~~cemetery authority pursuant to subsection (b) of Section 5-20.~~

11 ~~"Parcel identification number" means a unique number~~
12 ~~assigned to a grave, plot, crypt, or niche that enables the~~
13 ~~Department to ascertain the precise location of a decedent's~~
14 ~~remains interred, entombed, or inurned after the effective date~~
15 ~~of this Act.~~

16 "Person" means any individual, firm, partnership,
17 association, corporation, limited liability company, trustee,
18 government or political subdivision, or other entity.

19 "Privately held cemetery" means a cemetery that is owned by
20 a corporation, individual, or trust that is for profit.

21 ~~"Public cemetery" means a cemetery owned, operated,~~
22 ~~controlled, or managed by the federal government, by any state,~~
23 ~~county, city, village, incorporated town, township,~~
24 ~~multi-township, public cemetery district, or other municipal~~
25 ~~corporation, political subdivision, or instrumentality thereof~~
26 ~~authorized by law to own, operate, or manage a cemetery.~~

1 "Religious cemetery" means a cemetery owned, operated,
2 controlled, or managed by any recognized church, religious
3 society, association, or denomination, or by any cemetery
4 authority or any corporation administering, or through which is
5 administered, the temporalities of any recognized church,
6 religious society, association, or denomination.

7 "Secretary" means the Secretary of Financial and
8 Professional Regulation.

9 ~~"Term burial" means a right of interment sold to a consumer~~
10 ~~in which the cemetery authority retains the right to disinter~~
11 ~~and relocate the remains, subject to the provisions of~~
12 ~~subsection (d) of Section 35-15 of this Act.~~

13 ~~"Trustee" means any person authorized to hold funds under~~
14 ~~this Act.~~

15 ~~"Unique personal identifier" means the parcel~~
16 ~~identification number in addition to the term of burial in~~
17 ~~years; the numbered level or depth in the grave, plot, crypt,~~
18 ~~or niche; and the year of death for human remains interred,~~
19 ~~entombed, or inurned after the effective date of this Act.~~

20 (Source: P.A. 96-863, eff. 3-1-10.)

21 (225 ILCS 411/5-20)

22 (Section scheduled to be repealed on January 1, 2021)

23 Sec. 5-20. Exemptions.

24 (a) Notwithstanding any provision of law to the contrary,
25 this Act does not apply to (1) any cemetery authority operating

1 as a family burying ground, (2) any cemetery authority that has
2 not engaged in an interment, inurnment, or entombment of human
3 remains within the last 10 years and does not accept or
4 maintain care funds, or (3) any religious cemetery, (4) any
5 municipal cemetery, (5) any fraternal cemetery, (6) any
6 cemetery association organized under "AN ACT to provide for the
7 incorporation of cemetery associations by general law",
8 approved February 14, 1855, or the Cemetery Association Act, or
9 (7) any privately held cemetery authority that is less than 3 ~~2~~
10 acres ~~and does not accept or maintain care funds.~~ For purposes
11 of determining the applicability of this subsection, the
12 Department may rely on any list of registered and licensed
13 cemeteries maintained by the Office of the Illinois
14 Comptroller. ~~the number of interments, inurnments, and~~
15 ~~entombments shall be aggregated for each calendar year. A~~
16 ~~cemetery authority claiming a full exemption shall apply for~~
17 ~~exempt status as provided for in Article 10 of this Act. A~~
18 ~~cemetery authority that performs activities that would~~
19 ~~disqualify it from a full exemption is required to apply for~~
20 ~~licensure within one year following the date on which its~~
21 ~~activities would disqualify it for a full exemption. A cemetery~~
22 ~~authority that previously qualified for and maintained a full~~
23 ~~exemption that fails to timely apply for licensure shall be~~
24 ~~deemed to have engaged in unlicensed practice and shall be~~
25 ~~subject to discipline in accordance with Article 25 of this~~
26 ~~Act.~~

1 (b) (Blank). ~~Notwithstanding any provision of law to the~~
2 ~~contrary, a cemetery authority that does not qualify for a full~~
3 ~~exemption that is operating as a cemetery authority (i) that~~
4 ~~engages in 25 or fewer interments, inurnments, or entombments~~
5 ~~of human remains for each of the preceding 2 calendar years and~~
6 ~~does not accept or maintain care funds, (ii) that is operating~~
7 ~~as a public cemetery, or (iii) that is operating as a religious~~
8 ~~cemetery is exempt from this Act, but is required to comply~~
9 ~~with Sections 20-5(a), 20-5(b), 20-5(b-5), 20-5(c), 20-5(d),~~
10 ~~20-6, 20-8, 20-10, 20-11, 20-12, 20-30, 25-3, and 25-120 and~~
11 ~~Article 35 of this Act. Cemetery authorities claiming a partial~~
12 ~~exemption shall apply for the partial exemption as provided in~~
13 ~~Article 10 of this Act. A cemetery authority that changes to a~~
14 ~~status that would disqualify it from a partial exemption is~~
15 ~~required to apply for licensure within one year following the~~
16 ~~date on which it changes its status. A cemetery authority that~~
17 ~~maintains a partial exemption that fails to timely apply for~~
18 ~~licensure shall be deemed to have engaged in unlicensed~~
19 ~~practice and shall be subject to discipline in accordance with~~
20 ~~Article 25 of this Act.~~

21 (c) Nothing in this Act applies to the City of Chicago in
22 its exercise of its powers under the O'Hare Modernization Act
23 or limits the authority of the City of Chicago to acquire
24 property or otherwise exercise its powers under the O'Hare
25 Modernization Act, or requires the City of Chicago, or any
26 person acting on behalf of the City of Chicago, to comply with

1 the licensing, regulation, investigation, or mediation
2 requirements of this Act in exercising its powers under the
3 O'Hare Modernization Act.

4 (Source: P.A. 96-863, eff. 3-1-10.)

5 (225 ILCS 411/5-25)

6 (Section scheduled to be repealed on January 1, 2021)

7 Sec. 5-25. Powers and responsibilities of the Department.
8 Subject to the provisions of this Act, the Department may
9 exercise the following powers:

10 (1) Authorize a certification program ~~written~~
11 ~~examinations~~ to ascertain the qualifications and fitness
12 of applicants for licensing as a licensed cemetery manager
13 ~~or as a customer service employee~~ to ascertain whether they
14 possess the requisite level of knowledge for such position.

15 (2) Work with the Office of the Comptroller and the
16 Department of Vital Records to exchange information
17 relating to a licensed cemetery authority and to request
18 additional information relating to a licensed cemetery
19 authority from the Office of the Comptroller in order for
20 the Department to effectively enforce this Act. ~~Examine and~~
21 ~~audit a licensed cemetery authority's care funds, records~~
22 ~~from any year, and records of care funds from any year, or~~
23 ~~any other aspects of cemetery operation as the Department~~
24 ~~deems appropriate.~~

25 (3) Investigate cemetery contracts, grounds, or

1 employee records to determine whether or not a consumer
2 complaint is material and alleges fraud. ~~Investigate any~~
3 ~~and all cemetery-related activity.~~

4 (4) Conduct hearings on proceedings to refuse to issue
5 or renew licenses or to revoke, suspend, place on
6 probation, reprimand, or otherwise discipline a license
7 under this Act or take other non-disciplinary action.

8 (5) Adopt reasonable rules required for the
9 administration of this Act.

10 (6) Prescribe forms to be issued for the administration
11 and enforcement of this Act.

12 (7) Maintain rosters of the names and addresses of all
13 licensees and all persons whose licenses have been
14 suspended, revoked, denied renewal, or otherwise
15 disciplined within the previous calendar year. These
16 rosters shall be available upon written request and payment
17 of the required fee as established by rule.

18 The Department shall upon the request of the licensee
19 provide a copy of any non-frivolous consumer complaint from the
20 complaining consumer with the following statement:

21 "This information may only be used by the licensee in
22 its effort to address the complaint in a respectful
23 manner."

24 The copy of the complaint shall include the following:

25 (1) the consumer's name, address, and telephone
26 number;

- 1 (2) the decedent's name if applicable;
2 (3) the consumer contract that the consumer is
3 complaining about; and
4 (4) the name, address, and telephone number of the
5 consumer's agent and the instrument designating the agent
6 from the consumer.

7 (Source: P.A. 96-863, eff. 3-1-10.)

8 (225 ILCS 411/10-5)

9 (Section scheduled to be repealed on January 1, 2021)

10 Sec. 10-5. Restrictions and limitations. No person shall,
11 without a valid license issued by the Department, (i) hold
12 himself or herself out in any manner to the public as a
13 licensed cemetery authority or licensed cemetery manager, ~~or~~
14 ~~customer service employee~~; (ii) attach the title "licensed
15 cemetery authority" or "licensed cemetery manager", ~~or~~
16 ~~"licensed customer service employee"~~ to his or her name; or
17 (iii) render or offer to render services constituting the
18 practice of privately held cemetery operation; ~~or (iv) accept~~
19 ~~care funds within the meaning of this Act or otherwise hold~~
20 ~~funds for care and maintenance unless such person is holding~~
21 ~~and managing funds on behalf of a cemetery authority and is~~
22 ~~authorized to conduct a trust business under the Corporate~~
23 ~~Fiduciary Act or the federal National Bank Act.~~

24 (Source: P.A. 96-863, eff. 3-1-10.)

1 (225 ILCS 411/10-15)

2 (Section scheduled to be repealed on January 1, 2021)

3 Sec. 10-15. Privately held cemetery authority license
4 ~~Persons not licensed under the Cemetery Care Act or the~~
5 ~~Cemetery Association Act. A cemetery manager, a customer~~
6 ~~service employee, or a person acting as a cemetery authority~~
7 ~~who was not required to obtain licensure prior to the effective~~
8 ~~date of this Act need not comply with the licensure requirement~~
9 ~~in this Article until the Department takes action on the~~
10 ~~person's application for a license.~~ The application for a
11 privately held cemetery authority license must be submitted to
12 the Department within 6 months after the adoption of
13 administrative rules ~~effective date of this Act.~~ For cemetery
14 managers already working for a privately held cemetery
15 authority at the time of privately held cemetery authority
16 application for licensure, the application for a cemetery
17 manager license must be submitted at the same time as the
18 original application for licensure as a privately held cemetery
19 authority pursuant to this Section or Section 10-10, whichever
20 the case may be. Any applicant for licensure as a cemetery
21 manager of a cemetery authority that is already licensed under
22 this Act or that has a pending application for licensure under
23 this Act must submit his or her application to the Department
24 on or before his or her first day of work. ~~The application for~~
25 ~~a customer service employee license must be submitted to the~~
26 ~~Department within 10 days after the cemetery authority for~~

1 ~~which he or she works becomes licensed under this Act or on or~~
2 ~~before his or her first day of work, whichever the case may be.~~

3 If the person fails to submit the application within the
4 required period, the person shall be considered to be engaged
5 in unlicensed practice and shall be subject to discipline in
6 accordance with Article 25 of this Act.

7 (Source: P.A. 96-863, eff. 3-1-10.)

8 (225 ILCS 411/10-20)

9 (Section scheduled to be repealed on January 1, 2021)

10 Sec. 10-20. Application for original license ~~or exemption.~~

11 (a) Applications for original licensure as a privately held
12 cemetery authority or a privately held cemetery manager ~~r~~
13 ~~cemetery manager, or customer service employee~~ authorized by
14 this Act, ~~or application for exemption from licensure as a~~
15 ~~cemetery authority,~~ shall be made to the Department on forms
16 prescribed by the Department, which shall include the
17 applicant's Social Security number or FEIN number, or both, and
18 shall be accompanied by the required fee as set by rule.
19 ~~Applications for partial or full exemption from licensure as a~~
20 ~~cemetery authority shall be submitted to the Department within~~
21 ~~12 months after the Department adopts rules under this Act. If~~
22 ~~the person fails to submit the application for partial or full~~
23 ~~exemption within this period, the person shall be subject to~~
24 ~~discipline in accordance with Article 25 of this Act. If a~~
25 ~~cemetery authority seeks to practice at more than one location,~~

1 ~~it shall meet all licensure requirements at each location as~~
2 ~~required by this Act and by rule, including submission of an~~
3 ~~application and fee. A person licensed as a cemetery manager or~~
4 ~~customer service employee need not submit a Worker's Statement~~
5 ~~in accordance with Section 10-22 of this Act.~~

6 (b) (Blank). ~~If the application for licensure as a cemetery~~
7 ~~authority does not claim a full exemption or partial exemption,~~
8 ~~then the cemetery authority license application shall be~~
9 ~~accompanied by a fidelity bond, proof of self insurance, or~~
10 ~~letter of credit in the amount required by rule. Such bond,~~
11 ~~self insurance, or letter of credit shall run to the Department~~
12 ~~for the benefit of the care funds held by such cemetery~~
13 ~~authority or by the trustee of the care funds of such cemetery~~
14 ~~authority. If care funds of a cemetery authority are held by~~
15 ~~any entity authorized to do a trust business under the~~
16 ~~Corporate Fiduciary Act or held by an investment company, then~~
17 ~~the Department shall waive the requirement of a bond,~~
18 ~~self insurance, or letter of credit as established by rule. If~~
19 ~~the Department finds at any time that the bond, self insurance~~
20 ~~or letter of credit is insecure or exhausted or otherwise~~
21 ~~doubtful, then an additional bond, form of self insurance, or~~
22 ~~letter of credit in like amount to be approved by the~~
23 ~~Department shall be filed by the cemetery authority applicant~~
24 ~~or licensee within 30 days after written demand is served upon~~
25 ~~the applicant or licensee by the Department. In addition, if~~
26 ~~the cemetery authority application does not claim a full~~

~~1 exemption or partial exemption, then the license application
2 shall be accompanied by proof of liability insurance, proof of
3 self insurance, or a letter of credit in the amount required by
4 rule. The procedure by which claims on the liability insurance,
5 self insurance, or letter of credit are made and paid shall be
6 determined by rule. Any bond obtained pursuant to this
7 subsection shall be issued by a bonding company authorized to
8 do business in this State. Any letter of credit obtained
9 pursuant to this subsection shall be issued by a financial
10 institution authorized to do business in this State.
11 Maintaining the bonds, self insurance, or letters of credit
12 required under this subsection is a continuing obligation for
13 licensure. A bonding company may terminate a bond, a financial
14 institution may terminate a letter of credit, or an insurance
15 company may terminate liability insurance and avoid further
16 liability by filing a 60 day notice of termination with the
17 Department and at the same time sending the same notice to the
18 cemetery authority.~~

19 (c) After initial licensure, if any person comes to obtain
20 at least 51% of the ownership over the licensed privately held
21 cemetery authority, then the privately held cemetery authority
22 shall have to apply for a new license and receive licensure in
23 the required time as set by rule. The current license remains
24 in effect until the Department takes action on the application
25 for a new license.

26 (d) All applications shall contain the information that, in

1 the judgment of the Department, will enable the Department to
2 pass on the qualifications of the applicant for ~~an exemption~~
3 ~~from licensure or for~~ a license to practice as a privately held
4 cemetery authority ~~or~~ cemetery manager, ~~or customer service~~
5 ~~employee as set by rule.~~

6 (Source: P.A. 96-863, eff. 3-1-10.)

7 (225 ILCS 411/10-21)

8 (Section scheduled to be repealed on January 1, 2021)

9 Sec. 10-21. Qualifications for licensure.

10 (a) A privately held cemetery authority shall apply for
11 licensure on forms prescribed by the Department and pay the
12 required fee. An applicant is qualified for licensure as a
13 privately held cemetery authority if the applicant meets all of
14 the following qualifications:

15 (1) The applicant is of good moral character and has
16 not committed any act or offense in any jurisdiction that
17 would constitute the basis for discipline under this Act.
18 When considering such license ~~In determining good moral~~
19 ~~character,~~ the Department shall take into consideration
20 the following:

21 (A) the applicant's record of compliance with the
22 Code of Professional Conduct and Ethics, and whether
23 the applicant has been found to have engaged in any
24 unethical or dishonest practices in the cemetery
25 business by a government authority;

1 (B) whether the applicant has been adjudicated,
2 civilly or criminally, to have committed fraud or to
3 have violated any law of any state involving unfair
4 trade or business practices, has been convicted of a
5 misdemeanor of which fraud is an essential element or
6 which involves any aspect of the cemetery business, or
7 has been convicted of any felony;

8 (C) whether the applicant has willfully violated
9 any provision of this Act or a predecessor law or any
10 regulations relating thereto;

11 (D) whether the applicant has been permanently or
12 temporarily suspended, enjoined, or barred by any
13 court of competent jurisdiction in any state from
14 engaging in or continuing any conduct or practice
15 involving any aspect of the cemetery or funeral
16 business; and

17 (E) whether the applicant has ever had any license
18 to practice any profession or occupation suspended,
19 denied, fined, or otherwise acted against or
20 disciplined by the applicable licensing authority.

21 If the applicant is a corporation, limited liability
22 company, partnership, or other entity permitted by law,
23 then each principal, owner, member, officer, and
24 shareholder holding 51% ~~25%~~ or more of corporate stock is
25 to be of good moral character. Good moral character is a
26 continuing requirement of licensure.

1 (2) When the applicant is already an existing licensed
2 privately held cemetery authority, the ~~The~~ applicant
3 provides a copy of a statement of its assets and
4 liabilities. Any new cemetery with a new privately held
5 cemetery authority shall have the applicant provide
6 evidence satisfactory to the Department that the applicant
7 has financial resources sufficient to comply with the
8 maintenance and record-keeping provisions in Section 20-5
9 of this Act. ~~Maintaining sufficient financial resources is~~
10 ~~a continuing requirement for licensure.~~

11 (3) The applicant has not, within the preceding 10
12 years, been convicted of or entered a plea of guilty or
13 nolo contendere to (i) a Class X felony or (ii) a felony,
14 an essential element of which was fraud or dishonesty under
15 the laws of this State, another state, the United States,
16 or a foreign jurisdiction. If the applicant is a
17 corporation, limited liability company, partnership, or
18 other entity permitted by law, then each principal, owner,
19 member, officer, and shareholder holding 25% or more of
20 corporate stock has not, within the preceding 10 years,
21 been convicted of or entered a plea of guilty or nolo
22 contendere to (i) a Class X felony or (ii) a felony, an
23 essential element of which was fraud or dishonesty under
24 the laws of this State, another state, the United States,
25 or a foreign jurisdiction.

26 (4) (Blank). ~~The applicant submits his or her~~

1 ~~fingerprints in accordance with subsection (c) of this~~
2 ~~Section.~~

3 (5) (Blank). ~~The applicant has complied with all other~~
4 ~~requirements of this Act and the rules adopted for the~~
5 ~~implementation of this Act.~~

6 (b) The cemetery manager ~~and customer service employees~~ of
7 a licensed privately held cemetery authority shall apply for
8 licensure as a cemetery manager ~~or customer service employee~~ on
9 forms prescribed by the Department and pay the required fee. A
10 person is qualified for licensure as a cemetery manager ~~or~~
11 ~~customer service employee~~ if he or she meets all of the
12 following requirements:

13 (1) Is at least 18 years of age.

14 (2) Has acted in an ethical manner as outlined in
15 Section 10-23 of this Act and is ~~is~~ of good moral
16 character. ~~Good moral character is a continuing~~
17 requirement of licensure. In determining qualifications of
18 licensure ~~good moral character~~, the Department shall take
19 into consideration the factors outlined in item (1) of
20 subsection (a) of this Section.

21 (3) Submits proof of successful completion of a high
22 school education or its equivalent as established by rule.

23 (4) (Blank). ~~Submits his or her fingerprints in~~
24 ~~accordance with subsection (c) of this Section.~~

25 (5) Has not committed a violation of this Act or any
26 rules adopted under this Act that, in the opinion of the

1 Department, renders the applicant unqualified to be a
2 cemetery manager.

3 (6) Submits proof of successful completion of a
4 certification course ~~Successfully passes the examination~~
5 authorized by the Department for cemetery managers ~~manager~~
6 ~~or customer service employee, whichever is applicable.~~

7 (7) Has not, within the preceding 10 years, been
8 convicted of or entered a plea of guilty or nolo contendere
9 to (i) a Class X felony or (ii) a felony, an essential
10 element of which was fraud or dishonesty under the laws of
11 this State, another state, the United States, or a foreign
12 jurisdiction.

13 (8) (Blank). ~~Can be reasonably expected to treat~~
14 ~~consumers professionally, fairly, and ethically.~~

15 (9) Has complied with all other requirements of this
16 Act and the rules adopted for implementation of this Act.

17 (c) (Blank). ~~Each applicant for a cemetery authority,~~
18 ~~cemetery manager, or customer service employee license shall~~
19 ~~have his or her fingerprints submitted to the Department of~~
20 ~~State Police in an electronic format that complies with the~~
21 ~~form and manner for requesting and furnishing criminal history~~
22 ~~record information that is prescribed by the Department of~~
23 ~~State Police. These fingerprints shall be checked against the~~
24 ~~Department of State Police and Federal Bureau of Investigation~~
25 ~~criminal history record databases. The Department of State~~
26 ~~Police shall charge applicants a fee for conducting the~~

~~eriminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or directly to a designated fingerprint vendor. The Department, in its discretion, may allow an applicant who does not have reasonable access to a designated fingerprint vendor to provide his or her fingerprints in an alternative manner. The Department, in its discretion, may also use other procedures in performing or obtaining criminal background checks of applicants. Instead of submitting his or her fingerprints, an individual may submit proof that is satisfactory to the Department that an equivalent security clearance has been conducted. If the applicant for a cemetery authority license is a corporation, limited liability company, partnership, or other entity permitted by law, then each principal, owner, member, officer, and shareholder holding 25% or more of corporate stock shall have his or her fingerprints submitted in accordance with this subsection (c).~~

(Source: P.A. 96-863, eff. 3-1-10.)

(225 ILCS 411/10-23)

(Section scheduled to be repealed on January 1, 2021)

Sec. 10-23. Code of Professional Conduct and Ethics. The

1 Department shall adopt a Code of Professional Conduct and
2 Ethics by rule. Cemetery ~~authorities, cemetery managers, and~~
3 ~~customer service employees~~ shall abide by the Code of
4 Professional Conduct and Ethics.

5 (Source: P.A. 96-863, eff. 3-1-10.)

6 (225 ILCS 411/10-25)

7 (Section scheduled to be repealed on January 1, 2021)

8 Sec. 10-25. Certification. ~~Examination; failure or refusal~~
9 ~~to take the examination.~~

10 (a) The Department shall authorize certification programs
11 for examinations of cemetery manager managers of privately held
12 cemeteries and customer service employee applicants at such
13 times and places as it may determine. The certification program
14 shall consist of cemetery ethics, cemetery law, and cemetery
15 practices. Cemetery law shall include the Cemetery Oversight
16 Act, the Cemetery Care Act, the Disposition of Remains Act, and
17 the Cemetery Protection Act. Cemetery practices shall include
18 treating the dead and their family members with dignity and
19 respect. The certification program shall consist of an
20 examination by the entity providing the certification.
21 ~~examinations shall fairly test an applicant's qualifications~~
22 ~~to practice as cemetery manager or customer service employee,~~
23 ~~whatever the case may be, and knowledge of the theory and~~
24 ~~practice of cemetery operation and management or cemetery~~
25 ~~customer service, whichever is applicable. The examination~~

1 ~~shall further test the extent to which the applicant~~
2 ~~understands and appreciates that the final disposal of a~~
3 ~~deceased human body should be attended with appropriate~~
4 ~~observance and understanding, having due regard and respect for~~
5 ~~the reverent care of the human body and for those bereaved and~~
6 ~~for the overall spiritual dignity of an individual.~~

7 (a-5) The cemetery manager applicant may choose any entity
8 that has been approved by the Department from which to obtain
9 certification. ~~The examinations for cemetery manager and~~
10 ~~customer service employee shall be appropriate for cemetery~~
11 ~~professionals and shall not cover mortuary science.~~

12 (a-10) (Blank). ~~The examinations for cemetery manager and~~
13 ~~customer service employee applicants shall be tiered, as~~
14 ~~determined by rule, to account for the different amount of~~
15 ~~knowledge needed by such applicants depending on their job~~
16 ~~duties and the number of interments, inurnments, and~~
17 ~~entombments per year at the cemetery at which they work.~~

18 (b) Cemetery managers of a privately held cemetery who
19 apply for certification ~~Applicants for examinations shall pay,~~
20 ~~either to the Department or to the designated entity testing~~
21 ~~service,~~ a fee covering the cost of providing the certification
22 examination. ~~Failure to appear for the examination on the~~
23 ~~scheduled date at the time and place specified after the~~
24 ~~application for examination has been received and acknowledged~~
25 ~~by the Department or the designated testing service shall~~
26 ~~result in forfeiture of the examination fee.~~

1 (c) If the privately held cemetery manager applicant
2 neglects, fails, or refuses to become certified ~~take an~~
3 ~~examination~~ or fails to pass an examination for a certification
4 ~~license~~ under this Act within one year after filing an
5 application, then the application shall be denied. However, the
6 applicant may thereafter submit a new application accompanied
7 by the required fee. The applicant shall meet the requirements
8 in force at the time of making the new application.

9 (d) (Blank). ~~The Department may employ consultants for the~~
10 ~~purpose of preparing and conducting examinations.~~

11 (e) The Department shall recognize any certification
12 program that is conducted by a death care trade association in
13 Illinois that has been in existence for more than 5 years that,
14 in the determination of the Department, adequately covers
15 required provisions in this Act. ~~The Department shall have the~~
16 ~~authority to adopt or recognize, in part or in whole,~~
17 ~~examinations prepared, administered, or graded by other~~
18 ~~organizations in the cemetery industry that are determined~~
19 ~~appropriate to measure the qualifications of an applicant for~~
20 ~~licensure.~~

21 (Source: P.A. 96-863, eff. 3-1-10.)

22 (225 ILCS 411/10-39 new)

23 Sec. 10-39. Cemetery manager; display of certification and
24 license. The cemetery manager must conspicuously display the
25 certification, and the license after it is received, at the

1 privately held cemetery authority's place of business. Any new
2 cemetery manager shall have a reasonable time period, not to
3 exceed one year, to attend a recognized certification program.
4 In the interim, the new cemetery manager may manage the
5 privately held cemetery if he or she has received training from
6 another person, as verified by an appropriate form approved by
7 the Department, who has received certification by a program
8 recognized by the Department.

9 (225 ILCS 411/10-40)

10 (Section scheduled to be repealed on January 1, 2021)

11 Sec. 10-40. Expiration and renewal of license. The
12 expiration date, renewal period not to be less than every 3
13 years, a reasonable renewal fee, and other requirements for
14 each license shall be set by rule.

15 (Source: P.A. 96-863, eff. 3-1-10.)

16 (225 ILCS 411/10-55)

17 (Section scheduled to be repealed on January 1, 2021)

18 Sec. 10-55. Fees.

19 (a) ~~The Except as provided in subsection (b) of this~~
20 ~~Section, the~~ fees for the administration and enforcement of
21 this Act, including, but not limited to, original licensure,
22 renewal, and restoration fees, shall be set by the Department
23 by rule. ~~The fees shall be reasonable and shall not be~~
24 ~~refundable.~~ Fees shall be reasonable and shall avoid creating

1 competitive disadvantages for licensed cemeteries in
2 comparison to exempt cemeteries. The Secretary, upon
3 recommendation of the Cemetery Oversight Board, may waive fees
4 based upon hardship.

5 (b) Applicants for certification ~~examination~~ shall be
6 required to pay, ~~either to the Department or the designated~~
7 ~~testing service,~~ a fee covering the cost of providing the
8 certification to the entity providing the certification of the
9 cemetery manager examination.

10 (c) All fees and other moneys collected under this Act
11 shall be deposited in the Cemetery Oversight Licensing and
12 Disciplinary Fund.

13 (Source: P.A. 96-863, eff. 3-1-10.)

14 (225 ILCS 411/20-5)

15 (Section scheduled to be repealed on January 1, 2021)

16 Sec. 20-5. Maintenance and records.

17 (a) ~~A cemetery authority shall provide reasonable~~
18 ~~maintenance of the cemetery property and of all lots, graves,~~
19 ~~crypts, and columbariums in the cemetery based on the type and~~
20 ~~size of the cemetery, topographic limitations, and contractual~~
21 ~~commitments with consumers. Subject to the provisions of this~~
22 ~~subsection (a), reasonable maintenance includes:~~

23 ~~(1) the laying of seed, sod, or other suitable ground~~
24 ~~cover as soon as practical following an interment given the~~
25 ~~weather conditions, climate, and season and the~~

1 ~~interment's proximity to ongoing burial activity;~~

2 ~~(2) the cutting of lawn throughout the cemetery at~~
3 ~~reasonable intervals to prevent an overgrowth of grass and~~
4 ~~weeds given the weather conditions, climate, and season;~~

5 ~~(3) the trimming of shrubs to prevent excessive~~
6 ~~overgrowth;~~

7 ~~(4) the trimming of trees to remove dead limbs;~~

8 ~~(5) keeping in repair the drains, water lines, roads,~~
9 ~~buildings, fences, and other structures; and~~

10 ~~(6) keeping the cemetery premises free of trash and~~
11 ~~debris.~~

12 ~~Reasonable maintenance by the cemetery authority shall not~~
13 ~~preclude the exercise of lawful rights by the owner of an~~
14 ~~interment, inurnment, or entombment right, or by the decedent's~~
15 ~~immediate family or other heirs, in accordance with reasonable~~
16 ~~rules and regulations of the cemetery or other agreement of the~~
17 ~~cemetery authority.~~

18 In the case of a cemetery dedicated as a nature preserve
19 under the Illinois Natural Areas Preservation Act, reasonable
20 maintenance by the cemetery authority shall be in accordance
21 with the rules and master plan governing the dedicated nature
22 preserve.

23 ~~The Department shall adopt rules to provide greater detail~~
24 ~~as to what constitutes the reasonable maintenance required~~
25 ~~under this Section. The rules shall differentiate between~~
26 ~~cemeteries based on, among other things, the size and financial~~

1 ~~strength of the cemeteries. The rules shall also provide a~~
2 ~~reasonable opportunity for a cemetery authority accused of~~
3 ~~violating the provisions of this Section to cure any such~~
4 ~~violation in a timely manner given the weather conditions,~~
5 ~~climate, and season before the Department initiates formal~~
6 ~~proceedings.~~

7 (b) A privately held cemetery authority, before commencing
8 cemetery operations or within 6 months after the effective date
9 of this Act, shall cause an overall map of its cemetery
10 property, delineating all lots or plots, blocks, sections,
11 avenues, walks, alleys, and paths and their respective
12 designations, to be filed at its on-site office, or if it does
13 not maintain an on-site office, at its principal place of
14 business. A cemetery manager's certificate acknowledging,
15 accepting, and adopting the map shall also be included with the
16 map. The Department may order that the privately held cemetery
17 authority obtain a cemetery plat and that it be filed at its
18 on-site office, or if it does not maintain an on-site office,
19 at its principal place of business only if ~~in the following~~
20 ~~circumstances: (1) the cemetery authority is expanding or~~
21 ~~altering the cemetery grounds; or (2) a human body that should~~
22 have been interred, entombed, or inurned at the cemetery after
23 the effective date of this amendatory Act of the 97th General
24 Assembly is missing, ~~displaced,~~ or dismembered and the cemetery
25 map contains serious discrepancies.

26 In exercising this discretion, the Department shall

1 consider whether the privately held cemetery authority would
2 experience an undue hardship as a result of obtaining the plat.
3 The cemetery plat, as with all plats prepared under this Act,
4 shall comply with the Illinois Professional Land Surveyor Act
5 of 1989 and shall delineate, describe, and set forth all lots
6 or plots, blocks, sections, avenues, walks, alleys, and paths
7 and their respective designations. A cemetery manager's
8 certificate acknowledging, accepting, and adopting the plat
9 shall also be included with the plat.

10 (b-5) A privately held cemetery authority shall maintain an
11 index that associates the identity of deceased persons
12 interred, entombed, or inurned after the effective date of this
13 Act with their respective place of interment, entombment, or
14 inurnment. If a person may be located in a cemetery database by
15 name, then the privately held cemetery authority shall be
16 considered in compliance with the requirement of this
17 subsection (b-5).

18 (c) The privately held cemetery authority shall open the
19 cemetery map or plat to public inspection. The cemetery
20 authority shall make available a copy of the overall cemetery
21 map or plat upon written request and shall, if practical,
22 provide a copy of a segment of the cemetery plat where
23 interment rights are located upon the payment of reasonable
24 photocopy fees. Any unsold lots, plots, or parts thereof, in
25 which there are not human remains, may be resurveyed and
26 altered in shape or size and properly designated on the

1 cemetery map or plat. However, sold lots, plots, or parts
2 thereof in which there are human remains may not be renumbered
3 or renamed. Nothing contained in this subsection, however,
4 shall prevent the privately held cemetery authority from
5 enlarging an interment right by selling to its owner the excess
6 space next to the interment right and permitting interments
7 therein, provided reasonable access to the interment right and
8 to adjoining interment rights is not thereby eliminated.

9 (d) A privately held cemetery authority shall keep a record
10 of every interment, entombment, and inurnment completed after
11 the effective date of this Act. The record shall include the
12 deceased's name, age, date of burial, and the location ~~parcel~~
13 ~~identification number identifying~~ where the human remains are
14 interred, entombed, or inurned. ~~The record shall also include~~
15 ~~the unique personal identifier as may be further defined by~~
16 ~~rule, which is the parcel identification number in addition to~~
17 ~~the term of burial in years; the numbered level or depth in the~~
18 ~~grave, plot, crypt, or niche; and the year of death.~~

19 (e) (Blank).

20 (f) A privately held cemetery authority shall make
21 available for inspection and, upon reasonable request and the
22 payment of a reasonable copying fee, provide a copy of its
23 rules and regulations. A privately held cemetery authority
24 shall make available for viewing and provide a copy of its
25 current prices of interment, inurnment, or entombment rights.

26 (g) A privately held cemetery authority shall provide

1 access to the cemetery under the privately held cemetery
2 authority's reasonable rules and regulations.

3 (h) A privately held cemetery authority shall be
4 responsible for the proper opening and closing of all graves,
5 crypts, or niches for human remains in any cemetery property it
6 owns.

7 (i) (Blank). ~~Any corporate or other business organization~~
8 ~~trustee of the care funds of every licensed cemetery authority~~
9 ~~shall be located in or a resident of this State. The licensed~~
10 ~~cemetery authority and the trustee of care funds shall keep in~~
11 ~~this State and use in its business such books, accounts, and~~
12 ~~records as will enable the Department to determine whether such~~
13 ~~licensee or trustee is complying with the provisions of this~~
14 ~~Act and with the rules, regulations, and directions made by the~~
15 ~~Department under this Act. The licensed cemetery authority~~
16 ~~shall keep the books, accounts, and records in electronic or~~
17 ~~written format at the location identified in the license issued~~
18 ~~by the Department or as otherwise agreed by the Department in~~
19 ~~writing. The books, accounts, and records shall be accessible~~
20 ~~for review upon demand of the Department.~~

21 (Source: P.A. 96-863, eff. 3-1-10.)

22 (225 ILCS 411/20-10)

23 (Section scheduled to be repealed on January 1, 2021)

24 Sec. 20-10. Contract. At the time cemetery arrangements
25 are made and prior to rendering the cemetery services, a

1 licensed privately held cemetery authority shall create a
2 written contract to be provided to the consumer, signed by both
3 parties, that shall contain: (i) contact information, as set
4 out in Section 20-11, and the date on which the arrangements
5 were made; (ii) the price of the cemetery service selected and
6 the cemetery services and cemetery merchandise included for
7 that price; (iii) the supplemental items of cemetery service
8 and cemetery merchandise requested and the price of each item;
9 (iv) the terms or method of payment agreed upon; and (v) a
10 statement as to any monetary advances made on behalf of the
11 family. The privately held cemetery authority shall maintain a
12 copy of such written contract in its permanent records.

13 (Source: P.A. 96-863, eff. 3-1-10.)

14 (225 ILCS 411/20-11)

15 (Section scheduled to be repealed on January 1, 2021)

16 Sec. 20-11. Contact information in a contract. All
17 privately held cemetery authorities shall include in the
18 contract described in Section 20-10 the name, office address,
19 and office telephone number of the licensed privately held
20 cemetery authority, ~~except for a cemetery authority that is~~
21 ~~operating as a religious cemetery or public cemetery, which~~
22 ~~shall include in the contract described in Section 20-10 the~~
23 ~~name, address, and telephone number of the cemetery manager.~~
24 ~~Upon written request to a cemetery authority by a consumer, the~~
25 ~~cemetery authority shall provide: (1) the cemetery authority's~~

1 ~~registered agent, if any; (2) the cemetery authority's~~
2 ~~proprietor, if the cemetery authority is an individual; (3)~~
3 ~~every partner, if the cemetery authority is a partnership; (4)~~
4 ~~the president, secretary, executive and senior vice~~
5 ~~presidents, directors, and individuals owning 25% or more of~~
6 ~~the corporate stock, if the cemetery authority is a~~
7 ~~corporation; and (5) the manager, if the cemetery authority is~~
8 ~~a limited liability company.~~

9 (Source: P.A. 96-863, eff. 3-1-10.)

10 (225 ILCS 411/20-20)

11 (Section scheduled to be repealed on January 1, 2021)

12 Sec. 20-20. Display of license. Every privately held
13 cemetery authority and, cemetery manager, ~~and customer service~~
14 ~~employee~~ license issued by the Department shall state the
15 number of the license and the address at which the business is
16 to be conducted. Such license shall be kept conspicuously
17 posted in the place of business of the licensee and shall not
18 be transferable or assignable. Nothing in this amendatory Act
19 of the 97th General Assembly shall prevent an individual from
20 acting as a licensed cemetery manager ~~or customer service~~
21 ~~employee~~ for more than one cemetery. A cemetery manager ~~or~~
22 ~~customer service employee~~ who works at more than one cemetery
23 shall display an original version of his or her license at each
24 location for which the individual serves as a cemetery manager
25 ~~or customer service employee.~~

1 (Source: P.A. 96-863, eff. 3-1-10.)

2 (225 ILCS 411/20-30)

3 (Section scheduled to be repealed on January 1, 2021)

4 Sec. 20-30. Signage. The Department shall create, and each
5 licensed privately held cemetery authority shall conspicuously
6 post signs in English and Spanish in each cemetery office that
7 contain the Department's consumer hotline number, information
8 on how to file a complaint, and whatever other information that
9 the Department deems appropriate.

10 (Source: P.A. 96-863, eff. 3-1-10.)

11 (225 ILCS 411/25-1)

12 (Section scheduled to be repealed on January 1, 2021)

13 Sec. 25-1. Denial of license ~~or exemption from licensure~~.

14 If the Department determines that an application for licensure
15 ~~or exemption from licensure~~ should be denied pursuant to
16 Section 25-10, then the applicant shall be sent a notice of
17 intent to deny license ~~or exemption from licensure~~ and the
18 applicant shall be given the opportunity to request, within 20
19 days of the notice, a hearing on the denial. If the applicant
20 requests a hearing, then the Secretary shall schedule a hearing
21 within 30 days after the request for a hearing, unless
22 otherwise agreed to by the parties. The Secretary shall have
23 the authority to appoint an attorney duly licensed to practice
24 law in the State of Illinois to serve as the hearing officer.

1 The hearing officer shall have full authority to conduct the
2 hearing. The hearing shall be held at the time and place
3 designated by the Secretary. The Secretary shall have the
4 authority to prescribe rules for the administration of this
5 Section.

6 (Source: P.A. 96-863, eff. 3-1-10.)

7 (225 ILCS 411/25-5)

8 (Section scheduled to be repealed on January 1, 2021)

9 Sec. 25-5. Citations.

10 (a) The Department may adopt rules to permit the issuance
11 of citations for non-frivolous complaints. The citation shall
12 be issued to the licensee and shall contain the licensee's name
13 and address, the licensee's license number, a brief factual
14 statement, the Sections of the law allegedly violated, and the
15 penalty imposed. When issuing a citation that proposes a
16 suspension or revocation of the license of a privately held
17 cemetery authority or cemetery manager, the Department must
18 consider recommendations of the Cemetery Oversight Board. The
19 citation must clearly state that the licensee has the option
20 ~~may choose~~, in lieu of accepting the citation, to request a
21 hearing. If the licensee does not dispute the matter in the
22 citation with the Department within 30 days after the citation
23 is served, then the citation shall become a final order and
24 shall constitute discipline. The penalty shall be a fine or
25 other conditions as established by rule.

1 (b) The Department shall adopt rules and must consider
2 recommendations of the Cemetery Oversight Board when
3 designating violations for which a citation may be issued. Such
4 rules shall designate as citation violations those violations
5 for which there is no substantial threat to the public health,
6 safety, and welfare. Citations shall not be utilized if there
7 was any significant consumer harm resulting from the violation.

8 (c) A citation must be issued within 6 months after the
9 reporting of a violation that is the basis for the citation.

10 (d) Service of a citation may be made by personal service,
11 ~~or~~ certified mail with confirmation of receipt, or other
12 delivery service with confirmation of receipt to the licensee
13 at the licensee's address of record.

14 (Source: P.A. 96-863, eff. 3-1-10.)

15 (225 ILCS 411/25-10)

16 (Section scheduled to be repealed on January 1, 2021)

17 Sec. 25-10. Grounds for disciplinary action.

18 (a) The Department may refuse to issue or renew a license
19 or may revoke, suspend, place on probation, reprimand, or take
20 other disciplinary action as the Department may deem
21 appropriate and must consider recommendations of the Cemetery
22 Oversight Board, including imposing fines not to exceed \$1,000
23 ~~\$10,000~~ for each violation, with regard to any license issued
24 under this Act, for any one or combination of the following:

25 (1) Intentional material ~~Material~~ misstatement in

1 furnishing information to the Department.

2 (2) Violations of this Act, except for Section 20-8, or
3 of the rules adopted under this Act.

4 (3) Conviction of, or entry of a plea of guilty or nolo
5 contendere to, any crime within the last 10 years that is a
6 Class X felony or is a felony involving fraud and
7 dishonesty under the laws of the United States or any state
8 or territory thereof.

9 (4) Making any misrepresentation for the purpose of
10 obtaining licensure or violating any provision of this Act
11 or the rules adopted under this Act.

12 (5) Professional incompetence.

13 (6) Gross malpractice.

14 (7) Aiding or assisting another person in violating any
15 provision of this Act or rules adopted under this Act.

16 (8) Failing, within 10 business days, to provide
17 information in response to a written request made by the
18 Department.

19 (9) Engaging in dishonorable, unethical, or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public.

22 (10) Inability to practice with reasonable judgment,
23 skill, or safety as a result of habitual or excessive use
24 of alcohol, narcotics, stimulants, or any other chemical
25 agent or drug.

26 (11) Discipline by another state, District of

1 Columbia, territory, or foreign nation, if at least one of
2 the grounds for the discipline is the same or substantially
3 equivalent to those set forth in this Section.

4 (12) Directly or indirectly giving to or receiving from
5 any person, firm, corporation, partnership, or association
6 any fee, commission, rebate, or other form of compensation
7 for professional services not actually or personally
8 rendered.

9 (13) A finding by the Department that the licensee,
10 after having his or her license placed on probationary
11 status, has violated the terms of probation.

12 (14) Willfully making or filing false records or
13 reports in his or her practice, including, but not limited
14 to, false records filed with any governmental agency or
15 department.

16 (15) Inability to practice the profession with
17 reasonable judgment, skill, or safety.

18 (16) ~~Failure to file an annual report or to maintain in~~
19 ~~effect the required bond or to~~ comply with an order,
20 decision, or finding of the Department made pursuant to
21 this Act.

22 (17) Directly or indirectly receiving compensation for
23 any professional services not actually performed.

24 (18) Practicing under a false or, except as provided by
25 law, an assumed name.

26 (19) Fraud or misrepresentation in applying for, or

1 procuring, a license under this Act or in connection with
2 applying for renewal of a license under this Act.

3 (20) (Blank) ~~Cheating on or attempting to subvert the~~
4 ~~licensing examination administered under this Act.~~

5 (21) Unjustified failure to honor its contracts.

6 (22) Negligent supervision of a cemetery manager,
7 ~~customer service employee, cemetery worker, or independent~~
8 ~~contractor.~~

9 (23) A pattern of practice or other behavior which
10 demonstrates incapacity or incompetence to practice under
11 this Act.

12 (24) Allowing an individual who is not, but is required
13 to be, licensed under this Act to perform work for the
14 privately held cemetery authority.

15 (25) (Blank). ~~Allowing an individual who has not, but~~
16 ~~is required to, submit a Worker's Statement in accordance~~
17 ~~with Section 10-22 of this Act to perform work at the~~
18 ~~cemetery.~~

19 (b) No action may be taken under this Act against a person
20 licensed under this Act unless the action is commenced within 5
21 years after the occurrence of the alleged violations, except
22 for item (3) of subsection (a) of this Section, in which case
23 the action may commence within 10 years after the occurrence of
24 the alleged violations. A continuing violation shall be deemed
25 to have occurred on the date when the circumstances last
26 existed that give rise to the alleged violation.

1 (Source: P.A. 96-863, eff. 3-1-10.)

2 (225 ILCS 411/25-13.1 new)

3 Sec. 25-13.1. Renewal.

4 (a) Beginning with the August 2012 renewal, every privately
5 held cemetery authority and cemetery manager of a privately
6 held cemetery issued under this Act shall expire on August 31
7 every 3 years.

8 (b) It is the responsibility of each licensee to notify the
9 Department of any change of address. Failure to receive a
10 renewal form from the Department shall not constitute an excuse
11 for failure to renew one's license or to pay the renewal fee.

12 (c) Practicing on an expired license is unlicensed practice
13 and subject to discipline under Section 25-10 of this Act.

14 (d) No privately held cemetery authority shall, after the
15 expiration of a cemetery manager employee license, permit the
16 holder of the expired license to do any work requiring
17 licensure.

18 (225 ILCS 411/25-14)

19 (Section scheduled to be repealed on January 1, 2021)

20 Sec. 25-14. Mandatory reports.

21 (a) If a privately held cemetery authority receives a
22 ~~consumer~~ complaint alleging fraud that is not resolved to the
23 satisfaction of the consumer within 60 days of the complaint,
24 the privately held cemetery authority shall advise the consumer

1 of the right to seek investigation by the Department referring
2 the consumer to the signage ~~and shall report the consumer~~
3 ~~complaint to the Department within the next 30 days. Cemetery~~
4 ~~authorities shall report to the Department within 30 days after~~
5 ~~the settlement of any liability insurance claim or cause of~~
6 ~~action, or final judgment in any cause of action, that alleges~~
7 ~~negligence, fraud, theft, misrepresentation, misappropriation,~~
8 ~~or breach of contract.~~

9 (b) The State's Attorney of each county shall report to the
10 Department all instances in which an individual licensed as a
11 cemetery manager of a privately held cemetery ~~or customer~~
12 ~~service employee,~~ or any individual listed on a licensed
13 privately held cemetery authority's application under this
14 Act, is convicted or otherwise found guilty of the commission
15 of any felony. The report shall be submitted to the Department
16 within 60 days after conviction or finding of guilty.

17 (Source: P.A. 96-863, eff. 3-1-10.)

18 (225 ILCS 411/25-15)

19 (Section scheduled to be repealed on January 1, 2021)

20 Sec. 25-15. Cease and desist.

21 (a) The Secretary may issue an order to cease and desist to
22 any licensee or other person doing business without the
23 required license when, in the opinion of the Secretary, the
24 licensee or other person is violating or is about to violate
25 any provision of this Act or any rule or requirement imposed in

1 writing by the Department.

2 (b) The Secretary may issue an order to cease and desist
3 prior to a hearing and such order shall be in full force and
4 effect until a final administrative order is entered.

5 (c) The Secretary shall serve notice of his or her action,
6 designated as an order to cease and desist made pursuant to
7 this Section, including a statement of the reasons for the
8 action, either personally or by certified mail, return receipt
9 requested or by other delivery service that provides a
10 confirmation of receipt. Service by certified mail shall be
11 deemed completed when the notice is deposited in the United
12 States mail and sent to the address of record or, in the case
13 of unlicensed activity, the address known to the Department.

14 (d) Within 15 days after service of the order to cease and
15 desist, the licensee or other person may request, in writing, a
16 hearing.

17 (e) The Secretary shall schedule a hearing within 30 days
18 after the request for a hearing unless otherwise agreed to by
19 the parties.

20 (f) The Secretary shall have the authority to prescribe
21 rules for the administration of this Section.

22 (g) If, after hearing, it is determined that the Secretary
23 has the authority to issue the order to cease and desist, he or
24 she may issue such orders as may be reasonably necessary to
25 correct, eliminate, or remedy such conduct.

26 (h) The powers vested in the Secretary by this Section are

1 additional to any and all other powers and remedies vested in
2 the Secretary by law and nothing in this Section shall be
3 construed as requiring that the Secretary shall employ the
4 power conferred in this Section instead of or as a condition
5 precedent to the exercise of any other power or remedy vested
6 in the Secretary.

7 (Source: P.A. 96-863, eff. 3-1-10.)

8 (225 ILCS 411/25-25)

9 (Section scheduled to be repealed on January 1, 2021)

10 Sec. 25-25. Investigations, notice, hearings.

11 (a) The Department may at any time investigate the actions
12 of any applicant or of any person or persons rendering or
13 offering to render services as a privately held cemetery
14 authority, cemetery manager of a privately held cemetery, ~~or~~
15 ~~customer service employee of~~ or any person holding or claiming
16 to hold a license as a licensed privately held cemetery
17 authority, cemetery manager of a privately held cemetery, ~~or~~
18 ~~customer service employee~~. If it appears to the Department that
19 a person has engaged in, is engaging in, or is about to engage
20 in any practice declared to be unlawful by this Act, then the
21 Department may: (1) require that person to file on such terms
22 as the Department prescribes a statement or report in writing,
23 under oath or otherwise, containing all information the
24 Department may consider necessary to ascertain whether a
25 licensee is in compliance with this Act, or whether an

1 unlicensed person is engaging in activities for which a license
2 is required; (2) examine under oath any individual in
3 connection with the books and records pertaining to or having
4 an impact upon the operation of a cemetery ~~or trust funds~~
5 ~~required to be maintained pursuant to this Act~~; (3) examine any
6 books and records of the licensee, ~~trustee, or investment~~
7 ~~advisor~~ that the Department may consider necessary to ascertain
8 compliance with this Act; and (4) require the production of a
9 copy of any record, book, document, account, or paper that is
10 produced in accordance with this Act and retain it in his or
11 her possession until the completion of all proceedings in
12 connection with which it is produced.

13 (b) The Secretary may, with consideration of the
14 recommendations of the Cemetery Oversight Board and after 10
15 days notice by personal service, certified mail with return
16 receipt requested, or by any delivery service that provides a
17 confirmation of receipt to the licensee at the address of
18 record or to the last known address of any other person stating
19 the contemplated action and in general the grounds therefor,
20 fine such licensee an amount not exceeding \$1,000 ~~\$10,000~~ per
21 violation or revoke, suspend, refuse to renew, place on
22 probation, or reprimand any license issued under this Act if he
23 or she finds that:

24 (1) the licensee has failed to comply with any
25 provision of this Act or any order, decision, finding,
26 rule, regulation, or direction of the Secretary lawfully

1 made pursuant to the authority of this Act; or

2 (2) any fact or condition exists which, if it had
3 existed at the time of the original application for the
4 license, clearly would have warranted the Secretary in
5 refusing to issue the license.

6 (c) The Secretary, with consideration and recommendations
7 of the Cemetery Oversight Board, may fine, revoke, suspend,
8 refuse to renew, place on probation, reprimand, or take any
9 other disciplinary action as to the particular license with
10 respect to which grounds for the fine, revocation, suspension,
11 refuse to renew, probation, or reprimand, or other disciplinary
12 action occur or exist, but if the Secretary finds that grounds
13 for revocation are of general application to all offices or to
14 more than one office of the licensee, the Secretary shall fine,
15 revoke, suspend, refuse to renew, place on probation,
16 reprimand, or otherwise discipline every license to which such
17 grounds apply.

18 (d) In every case in which a license is revoked, suspended,
19 placed on probation, reprimanded, or otherwise disciplined,
20 the Secretary shall serve the licensee with notice of his or
21 her action, including a statement of the reasons for his or her
22 actions, either personally or by certified mail, return receipt
23 requested or by any delivery service that provides a
24 confirmation of receipt. Service by certified mail shall be
25 deemed completed when the notice is deposited in the United
26 States mail and sent to the address of record.

1 (e) An order assessing a fine, an order revoking,
2 suspending, placing on probation, or reprimanding a license or,
3 an order denying renewal of a license shall take effect upon
4 service of the order unless the licensee requests, in writing,
5 within 20 days after the date of service, a hearing. In the
6 event a hearing is requested, an order issued under this
7 Section shall be stayed until a final administrative order is
8 entered.

9 (f) If the licensee requests a hearing, then the Secretary
10 shall schedule a hearing within 30 days after the request for a
11 hearing unless otherwise agreed to by the parties. The
12 Secretary shall have the authority to appoint an attorney duly
13 licensed to practice law in the State of Illinois to serve as
14 the hearing officer in any disciplinary action with regard to a
15 license. The hearing officer shall have full authority to
16 conduct the hearing.

17 (g) The hearing shall be held at the time and place
18 designated by the Secretary.

19 (h) The Secretary shall have the authority to prescribe
20 rules, with consideration and recommendations of the Cemetery
21 Oversight Board, for the administration of this Section.

22 (i) Fines imposed and any costs assessed shall be paid
23 within 60 days.

24 (Source: P.A. 96-863, eff. 3-1-10.)

1 (Section scheduled to be repealed on January 1, 2021)

2 Sec. 25-70. Receivership. In the event a privately held
3 cemetery authority license is suspended or revoked or where an
4 unlicensed person has conducted activities requiring privately
5 held cemetery authority licensure under this Act, the
6 Department, through the Attorney General, may petition the
7 circuit courts of this State for appointment of a receiver ~~to~~
8 ~~administer the care funds of such licensee or unlicensed person~~
9 ~~or~~ to operate the cemetery.

10 (a) The court shall appoint a receiver if the court
11 determines that a receivership is necessary or advisable:

12 (1) to ensure the orderly and proper conduct of a
13 licensee's professional business and affairs during or in
14 the aftermath of the administrative proceeding to revoke or
15 suspend the privately held cemetery authority's license;

16 (2) for the protection of the public's interest and
17 rights in the business, premises, or activities of the
18 person sought to be placed in receivership;

19 (3) upon a showing of actual or constructive
20 abandonment of premises or business licensed or which was
21 not but should have been licensed under this Act;

22 (4) upon a showing of serious and repeated violations
23 of this Act demonstrating an inability or unwillingness of
24 a licensee to comply with the requirements of this Act;

25 (5) to prevent loss, wasting, dissipation, theft, or
26 conversion of assets that should be marshaled and held

1 available for the honoring of obligations under this Act;
2 or

3 (6) upon proof of other grounds that the court deems
4 good and sufficient for instituting receivership action
5 concerning the respondent sought to be placed in
6 receivership.

7 (b) A receivership under this Section may be temporary, or
8 for the winding up and dissolution of the business, as the
9 Department may request and the court determines to be necessary
10 or advisable in the circumstances. Venue of receivership
11 proceedings may be, at the Department's election, in Cook
12 County or the county where the subject of the receivership is
13 located. The appointed receiver shall be the Department or such
14 person as the Department may nominate and the court shall
15 approve.

16 (c) The Department may adopt rules for the implementation
17 of this Section.

18 (Source: P.A. 96-863, eff. 3-1-10.)

19 (225 ILCS 411/25-85)

20 (Section scheduled to be repealed on January 1, 2021)

21 Sec. 25-85. Inactive status.

22 (a) Any licensed manager of a privately held cemetery ~~or~~
23 ~~customer service employee~~ who notifies the Department in
24 writing on forms prescribed by the Department as determined by
25 rule, may elect to place his or her license on an inactive

1 status and shall, subject to rules of the Department, be
2 excused from payment of renewal fees until he or she notifies
3 the Department in writing of his or her desire to resume active
4 status. Any licensed cemetery manager of a privately held
5 cemetery ~~or licensed customer service employee~~ requesting
6 restoration from inactive status shall pay the current renewal
7 fee and meet requirements as provided by rule. Any licensee
8 whose license is in inactive status shall not practice in the
9 State of Illinois.

10 (b) A privately held cemetery authority license may only go
11 on inactive status by following the provisions for dissolution
12 set forth in Section 10-50 or transfer in Section 10-45.

13 (Source: P.A. 96-863, eff. 3-1-10.)

14 (225 ILCS 411/25-105)

15 (Section scheduled to be repealed on January 1, 2021)

16 Sec. 25-105. Violations. Any person who is found to have
17 engaged in unlicensed practices under this Act ~~violated any~~
18 ~~provision of this Act or any applicant for licensure who files~~
19 ~~with the Department the fingerprints of an individual other~~
20 ~~than himself or herself~~ is guilty of a Class A misdemeanor.
21 Upon conviction of a second or subsequent offense the violator
22 shall be guilty of a Class 4 felony. ~~However, whoever~~
23 ~~intentionally fails to deposit the required amounts into a~~
24 ~~trust provided for in this Act or intentionally and improperly~~
25 ~~withdraws or uses trust funds for his or her own benefit shall~~

1 ~~be guilty of a Class 4 felony and each day such provisions are~~
2 ~~violated shall constitute a separate offense.~~

3 (Source: P.A. 96-863, eff. 3-1-10.)

4 (225 ILCS 411/25-110)

5 (Section scheduled to be repealed on January 1, 2021)

6 Sec. 25-110. Civil action and civil penalties. In addition
7 to the other penalties and remedies provided in this Act, the
8 Department may bring a civil action in the county in which the
9 cemetery is located against a licensee or any other person to
10 enjoin any violation or threatened violation of this Act. In
11 addition to any other penalty provided by law, any person who
12 violates this Act shall forfeit and pay a civil penalty to the
13 Department in an amount not to exceed \$1,000 ~~\$10,000~~ for each
14 violation as determined by the Department. The civil penalty
15 shall be assessed by the Department in accordance with the
16 provisions of this Act. Any civil penalty shall be paid within
17 60 days after the effective date of the order imposing the
18 civil penalty. The order shall constitute a judgment and may be
19 filed and execution had thereon in the same manner as any
20 judgment from any court of record. All moneys collected under
21 this Section shall be deposited into the Cemetery Oversight
22 Licensing and Disciplinary Fund.

23 (Source: P.A. 96-863, eff. 3-1-10.)

24 (225 ILCS 411/25-125)

1 (Section scheduled to be repealed on January 1, 2021)

2 Sec. 25-125. Cemetery Oversight Board. The Cemetery
3 Oversight Board ~~is created and~~ shall consist of 7 ~~the~~
4 ~~Secretary, who shall serve as its chairperson, and 8~~ members
5 appointed by the Secretary. Appointments shall be made within
6 90 days after the effective date of this Act. ~~Five~~ Three
7 members shall represent the segment of the privately held
8 cemetery industry licensed under this Act, and the chairman
9 shall be annually selected from within this group by their
10 majority vote. One member ~~that does not maintain a partial~~
11 ~~exemption or full exemption, one member shall represent the~~
12 ~~segment of the cemetery industry that maintains a partial~~
13 ~~exemption as a public cemetery, one member shall represent the~~
14 ~~segment of the cemetery industry that maintains a partial~~
15 ~~exemption as a religious cemetery, 2 members~~ shall be a
16 consumer ~~consumers~~ as defined in this Act, and one member shall
17 represent the general public. No member shall be a licensed
18 professional from a non-cemetery segment of the death care
19 industry. No member of the Board shall be appointed who works
20 for an exempt cemetery authority or at multiple categories of
21 cemeteries. Board members shall serve 5-year terms and until
22 their successors are appointed and qualified. The membership of
23 the Board should reasonably reflect representation from the
24 geographic areas in this State. No member shall be reappointed
25 to the Board for a term that would cause his or her continuous
26 service on the Board to be longer than 10 successive years.

1 Appointments to fill vacancies shall be made in the same manner
2 as original appointments, for the unexpired portion of the
3 vacated term. Four ~~Five~~ members of the Board shall constitute a
4 quorum. A quorum is required for Board decisions. The Secretary
5 may remove any member of the Board for misconduct,
6 incompetence, neglect of duty, conflict of interest, or for
7 reasons prescribed by law for removal of State officials. The
8 Secretary may remove a member of the Board who does not attend
9 2 consecutive meetings. The Department may, at any time, seek
10 the expert advice and knowledge of the Board on any matter
11 relating to the administration or enforcement of this Act. The
12 Secretary shall consider the recommendations of the Board in
13 the development of proposed rules or disciplinary action under
14 this Act and for establishing guidelines and examinations as
15 may be required under this Act. Notice of any proposed
16 rulemaking under this Act shall be transmitted to the Board and
17 the Department shall consider ~~review~~ the response of the Board
18 and any recommendations made therein. The Secretary may retain
19 any Board member currently serving who qualifies under the
20 changes made to this Section by this amendatory Act of the 97th
21 General Assembly.

22 (Source: P.A. 96-863, eff. 3-1-10.)

23 (225 ILCS 411/75-20)

24 (Section scheduled to be repealed on January 1, 2021)

25 Sec. 75-20. Rules. The Department may adopt rules for the

1 administration and enforcement of this Act with consideration
2 of recommendations of the Cemetery Oversight Board. The rules
3 shall include standards for licensure, professional conduct,
4 and discipline.

5 (Source: P.A. 96-863, eff. 3-1-10.)

6 (225 ILCS 411/75-25)

7 (Section scheduled to be repealed on January 1, 2021)

8 Sec. 75-25. Home rule. The regulation and licensing as
9 provided for in this Act are exclusive powers and functions of
10 the State. A home rule unit may not regulate or license
11 privately held cemetery authorities, cemetery managers,
12 employees, or workers employed or hired on behalf of the
13 privately held cemetery authority ~~customer service employees,~~
14 ~~cemetery workers,~~ or any activities relating to the operation
15 of a cemetery. This Section is a denial and limitation of home
16 rule powers and functions under subsection (h) of Section 6 of
17 Article VII of the Illinois Constitution.

18 (Source: P.A. 96-863, eff. 3-1-10.)

19 (225 ILCS 411/75-45)

20 (Section scheduled to be repealed on January 1, 2021)

21 Sec. 75-45. Fees. The Department shall by rule provide for
22 fees for the administration and enforcement of this Act other
23 than as specifically provided in Section 10-55, and those fees
24 are nonrefundable. All of the fees and fines collected under

1 this Act shall be deposited into the Cemetery Oversight
2 Licensing and Disciplinary Fund and be appropriated to the
3 Department for the ordinary and contingent expenses of the
4 Department in the administration and enforcement of this Act.
5 Fees shall be reasonable and shall avoid creating competitive
6 disadvantages for licensed cemetery authorities in comparison
7 to exempt cemetery authorities. The Secretary, upon
8 recommendation of the Cemetery Oversight Board, may waive fees
9 based upon hardship.

10 (Source: P.A. 96-863, eff. 3-1-10.)

11 (225 ILCS 411/75-50)

12 (Section scheduled to be repealed on January 1, 2021)

13 Sec. 75-50. Burial permits. After the effective date of
14 this amendatory Act of the 97th General Assembly,
15 notwithstanding ~~Notwithstanding~~ any law to the contrary, ~~a~~
16 ~~cemetery authority shall ensure that every burial permit~~
17 maintained at the cemetery shall contain ~~applicable to that~~
18 ~~cemetery authority contains the decedent's parcel~~
19 ~~identification number or other information as provided by rule~~
20 regarding the location of the interment, entombment, or
21 inurnment of the deceased that would enable the Department to
22 determine the ~~precise~~ location of the decedent.

23 (Source: P.A. 96-863, eff. 3-1-10.)

24 (225 ILCS 411/10-10 rep.)

- 1 (225 ILCS 411/10-22 rep.)
2 (225 ILCS 411/10-30 rep.)
3 (225 ILCS 411/10-45 rep.)
4 (225 ILCS 411/10-50 rep.)
5 (225 ILCS 411/Art. 15 rep.)
6 (225 ILCS 411/20-6 rep.)
7 (225 ILCS 411/20-8 rep.)
8 (225 ILCS 411/20-12 rep.)
9 (225 ILCS 411/20-15 rep.)
10 (225 ILCS 411/20-25 rep.)
11 (225 ILCS 411/Art. 22 rep.)
12 (225 ILCS 411/25-3 rep.)
13 (225 ILCS 411/25-13 rep.)
14 (225 ILCS 411/25-75 rep.)
15 (225 ILCS 411/25-120 rep.)
16 (225 ILCS 411/Art. 35 rep.)
17 (225 ILCS 411/75-55 rep.)
18 (225 ILCS 411/90-90 rep.)
19 (225 ILCS 411/90-95 rep.)

20 Section 920. The Cemetery Oversight Act is amended by
21 repealing Articles 15, 22, and 35 and Sections 10-10, 10-22,
22 10-30, 10-45, 10-50, 20-6, 20-8, 20-12, 20-15, 20-25, 25-3,
23 25-13, 25-75, 25-120, 75-55, 90-90, and 90-95.

24 Section 925. The Crematory Regulation Act is amended by
25 changing Sections 5 and 35 as follows:

1 (410 ILCS 18/5)

2 (Text of Section before amendment by P.A. 96-863)

3 (Section scheduled to be repealed on January 1, 2021)

4 Sec. 5. Definitions. As used in this Act:

5 "Alternative container" means a receptacle, other than a
6 casket, in which human remains are transported to the crematory
7 and placed in the cremation chamber for cremation. An
8 alternative container shall be (i) composed of readily
9 combustible materials suitable for cremation, (ii) able to be
10 closed in order to provide a complete covering for the human
11 remains, (iii) resistant to leakage or spillage, (iv) rigid
12 enough for handling with ease, and (v) able to provide
13 protection for the health, safety, and personal integrity of
14 crematory personnel.

15 "Authorizing agent" means a person legally entitled to
16 order the cremation and final disposition of specific human
17 remains.

18 "Body parts" means limbs or other portions of the anatomy
19 that are removed from a person or human remains for medical
20 purposes during treatment, surgery, biopsy, autopsy, or
21 medical research; or human bodies or any portion of bodies that
22 have been donated to science for medical research purposes.

23 "Burial transit permit" means a permit for disposition of a
24 dead human body as required by Illinois law.

25 "Casket" means a rigid container that is designed for the

1 encasement of human remains, is usually constructed of wood,
2 metal, or like material and ornamented and lined with fabric,
3 and may or may not be combustible.

4 "Change of ownership" means a transfer of more than 50% of
5 the stock or assets of a crematory authority.

6 "Comptroller" means the Comptroller of the State of
7 Illinois.

8 "Cremated remains" means all human remains recovered after
9 the completion of the cremation, which may possibly include the
10 residue of any foreign matter including casket material,
11 bridgework, or eyeglasses, that was cremated with the human
12 remains.

13 "Cremation" means the technical process, using heat and
14 flame, that reduces human remains to bone fragments. The
15 reduction takes place through heat and evaporation. Cremation
16 shall include the processing, and may include the
17 pulverization, of the bone fragments.

18 "Cremation chamber" means the enclosed space within which
19 the cremation takes place.

20 "Cremation interment container" means a rigid outer
21 container that, subject to a cemetery's rules and regulations,
22 is composed of concrete, steel, fiberglass, or some similar
23 material in which an urn is placed prior to being interred in
24 the ground, and which is designed to withstand prolonged
25 exposure to the elements and to support the earth above the
26 urn.

1 "Cremation room" means the room in which the cremation
2 chamber is located.

3 "Crematory" means the building or portion of a building
4 that houses the cremation room and the holding facility.

5 "Crematory authority" means the legal entity which is
6 licensed by the Comptroller to operate a crematory and to
7 perform cremations.

8 ~~"Department" means the Illinois Department of Public~~
9 ~~Health.~~

10 "Final disposition" means the burial, cremation, or other
11 disposition of a dead human body or parts of a dead human body.

12 "Funeral director" means a person known by the title of
13 "funeral director", "funeral director and embalmer", or other
14 similar words or titles, licensed by the State to practice
15 funeral directing or funeral directing and embalming.

16 "Funeral establishment" means a building or separate
17 portion of a building having a specific street address and
18 location and devoted to activities relating to the shelter,
19 care, custody, and preparation of a deceased human body and may
20 contain facilities for funeral or wake services.

21 "Holding facility" means an area that (i) is designated for
22 the retention of human remains prior to cremation, (ii)
23 complies with all applicable public health law, (iii) preserves
24 the health and safety of the crematory authority personnel, and
25 (iv) is secure from access by anyone other than authorized
26 persons. A holding facility may be located in a cremation room.

1 "Human remains" means the body of a deceased person,
2 including any form of body prosthesis that has been permanently
3 attached or implanted in the body.

4 "Niche" means a compartment or cubicle for the
5 memorialization and permanent placement of an urn containing
6 cremated remains.

7 "Processing" means the reduction of identifiable bone
8 fragments after the completion of the cremation process to
9 unidentifiable bone fragments by manual or mechanical means.

10 "Pulverization" means the reduction of identifiable bone
11 fragments after the completion of the cremation process to
12 granulated particles by manual or mechanical means.

13 "Scattering area" means an area which may be designated by
14 a cemetery and located on dedicated cemetery property where
15 cremated remains, which have been removed from their container,
16 can be mixed with, or placed on top of, the soil or ground
17 cover.

18 "Temporary container" means a receptacle for cremated
19 remains, usually composed of cardboard, plastic or similar
20 material, that can be closed in a manner that prevents the
21 leakage or spillage of the cremated remains or the entrance of
22 foreign material, and is a single container of sufficient size
23 to hold the cremated remains until an urn is acquired or the
24 cremated remains are scattered.

25 "Urn" means a receptacle designed to encase the cremated
26 remains.

1 (Source: P.A. 92-675, eff. 7-1-03.)

2 (Text of Section after amendment by P.A. 96-863)

3 (Section scheduled to be repealed on January 1, 2021)

4 Sec. 5. Definitions. As used in this Act:

5 "Address of record" means the designated address recorded
6 by the Department in the applicant's or licensee's application
7 file or license file. It is the duty of the applicant or
8 licensee to inform the Department of any change of address
9 within 14 days, and such changes must be made either through
10 the Department's website or by contacting the Department's
11 licensure maintenance unit. The address of record shall be the
12 permanent street address of the crematory.

13 "Alternative container" means a receptacle, other than a
14 casket, in which human remains are transported to the crematory
15 and placed in the cremation chamber for cremation. An
16 alternative container shall be (i) composed of readily
17 combustible materials suitable for cremation, (ii) able to be
18 closed in order to provide a complete covering for the human
19 remains, (iii) resistant to leakage or spillage, (iv) rigid
20 enough for handling with ease, and (v) able to provide
21 protection for the health, safety, and personal integrity of
22 crematory personnel.

23 "Authorizing agent" means a person legally entitled to
24 order the cremation and final disposition of specific human
25 remains.

1 "Body parts" means limbs or other portions of the anatomy
2 that are removed from a person or human remains for medical
3 purposes during treatment, surgery, biopsy, autopsy, or
4 medical research; or human bodies or any portion of bodies that
5 have been donated to science for medical research purposes.

6 "Burial transit permit" means a permit for disposition of a
7 dead human body as required by Illinois law.

8 "Casket" means a rigid container that is designed for the
9 encasement of human remains, is usually constructed of wood,
10 metal, or like material and ornamented and lined with fabric,
11 and may or may not be combustible.

12 "Comptroller" means the Comptroller of the State of
13 Illinois.

14 "Cremated remains" means all human remains recovered after
15 the completion of the cremation, which may possibly include the
16 residue of any foreign matter including casket material,
17 bridgework, or eyeglasses, that was cremated with the human
18 remains.

19 "Cremation" means the technical process, using heat and
20 flame, that reduces human remains to bone fragments. The
21 reduction takes place through heat and evaporation. Cremation
22 shall include the processing, and may include the
23 pulverization, of the bone fragments.

24 "Cremation chamber" means the enclosed space within which
25 the cremation takes place.

26 "Cremation interment container" means a rigid outer

1 container that, subject to a cemetery's rules and regulations,
2 is composed of concrete, steel, fiberglass, or some similar
3 material in which an urn is placed prior to being interred in
4 the ground, and which is designed to withstand prolonged
5 exposure to the elements and to support the earth above the
6 urn.

7 "Cremation room" means the room in which the cremation
8 chamber is located.

9 "Crematory" means the building or portion of a building
10 that houses the cremation room and the holding facility.

11 "Crematory authority" means the legal entity which is
12 licensed by the Department to operate a crematory and to
13 perform cremations.

14 ~~"Department" means the Illinois Department of Financial
15 and Professional Regulation.~~

16 "Final disposition" means the burial, cremation, or other
17 disposition of a dead human body or parts of a dead human body.

18 "Funeral director" means a person known by the title of
19 "funeral director", "funeral director and embalmer", or other
20 similar words or titles, licensed by the State to practice
21 funeral directing or funeral directing and embalming.

22 "Funeral establishment" means a building or separate
23 portion of a building having a specific street address and
24 location and devoted to activities relating to the shelter,
25 care, custody, and preparation of a deceased human body and may
26 contain facilities for funeral or wake services.

1 "Holding facility" means an area that (i) is designated for
2 the retention of human remains prior to cremation, (ii)
3 complies with all applicable public health law, (iii) preserves
4 the health and safety of the crematory authority personnel, and
5 (iv) is secure from access by anyone other than authorized
6 persons. A holding facility may be located in a cremation room.

7 "Human remains" means the body of a deceased person,
8 including any form of body prosthesis that has been permanently
9 attached or implanted in the body.

10 "Licensee" means an entity licensed under this Act. An
11 entity that holds itself as a licensee or that is accused of
12 unlicensed practice is considered a licensee for purposes of
13 enforcement, investigation, hearings, and the Illinois
14 Administrative Procedure Act.

15 "Niche" means a compartment or cubicle for the
16 memorialization and permanent placement of an urn containing
17 cremated remains.

18 "Person" means any person, partnership, association,
19 corporation, limited liability company, or other entity, and in
20 the case of any such business organization, its officers,
21 partners, members, or shareholders possessing 25% or more of
22 ownership of the entity.

23 "Processing" means the reduction of identifiable bone
24 fragments after the completion of the cremation process to
25 unidentifiable bone fragments by manual or mechanical means.

26 "Pulverization" means the reduction of identifiable bone

1 fragments after the completion of the cremation process to
2 granulated particles by manual or mechanical means.

3 "Scattering area" means an area which may be designated by
4 a cemetery and located on dedicated cemetery property where
5 cremated remains, which have been removed from their container,
6 can be mixed with, or placed on top of, the soil or ground
7 cover.

8 "Secretary" means the Secretary of Financial and
9 Professional Regulation.

10 "Temporary container" means a receptacle for cremated
11 remains, usually composed of cardboard, plastic or similar
12 material, that can be closed in a manner that prevents the
13 leakage or spillage of the cremated remains or the entrance of
14 foreign material, and is a single container of sufficient size
15 to hold the cremated remains until an urn is acquired or the
16 cremated remains are scattered.

17 "Urn" means a receptacle designed to encase the cremated
18 remains.

19 (Source: P.A. 96-863, eff. 3-1-12.)

20 (410 ILCS 18/35)

21 (Section scheduled to be repealed on January 1, 2021)

22 Sec. 35. Cremation procedures.

23 (a) Human remains shall not be cremated within 24 hours
24 after the time of death, as indicated on the Medical
25 Examiner's/Coroner's Certificate of Death. In any death, the

1 human remains shall not be cremated by the crematory authority
2 until a cremation permit has been received from the coroner or
3 medical examiner of the county in which the death occurred and
4 the crematory authority has received a cremation authorization
5 form, executed by an authorizing agent, in accordance with the
6 provisions of Section 15 of this Act. In no instance, however,
7 shall the lapse of time between the death and the cremation be
8 less than 24 hours, unless (i) it is known the deceased has an
9 infectious or dangerous disease and that the time requirement
10 is waived in writing by the medical examiner or coroner where
11 the death occurred or (ii) because of a religious requirement.

12 (b) Except as set forth in subsection (a) of this Section,
13 a crematory authority shall have the right to schedule the
14 actual cremation to be performed at its own convenience, at any
15 time after the human remains have been delivered to the
16 crematory authority, unless the crematory authority has
17 received specific instructions to the contrary on the cremation
18 authorization form.

19 (c) No crematory authority shall cremate human remains when
20 it has actual knowledge that human remains contain a pacemaker
21 or any other material or implant that may be potentially
22 hazardous to the person performing the cremation.

23 (d) No crematory authority shall refuse to accept human
24 remains for cremation because such human remains are not
25 embalmed.

26 (e) Whenever a crematory authority is unable or

1 unauthorized to cremate human remains immediately upon taking
2 custody of the remains, the crematory authority shall place the
3 human remains in a holding facility in accordance with the
4 crematory authority's rules and regulations. The crematory
5 authority must notify the authorizing agent of the reasons for
6 delay in cremation if a properly authorized cremation is not
7 performed within any time period expressly contemplated in the
8 authorization.

9 (f) A crematory authority shall not accept a casket or
10 alternative container from which there is any evidence of the
11 leakage of body fluids.

12 (g) The casket or the alternative container shall be
13 cremated with the human remains or destroyed, unless the
14 crematory authority has notified the authorizing agent to the
15 contrary on the cremation authorization form and obtained the
16 written consent of the authorizing agent.

17 (h) The simultaneous cremation of the human remains of more
18 than one person within the same cremation chamber, without the
19 prior written consent of the authorizing agent, is prohibited
20 except for common cremation pursuant to Section 11.4 of the
21 Hospital Licensing Act. Nothing in this subsection, however,
22 shall prevent the simultaneous cremation within the same
23 cremation chamber of body parts delivered to the crematory
24 authority from multiple sources, or the use of cremation
25 equipment that contains more than one cremation chamber.

26 (i) No unauthorized person shall be permitted in the

1 holding facility or cremation room while any human remains are
2 being held there awaiting cremation, being cremated, or being
3 removed from the cremation chamber.

4 (j) A crematory authority shall not remove any dental gold,
5 body parts, organs, or any item of value prior to or subsequent
6 to a cremation without previously having received specific
7 written authorization from the authorizing agent and written
8 instructions for the delivery of these items to the authorizing
9 agent. Under no circumstances shall a crematory authority
10 profit from making or assisting in any removal of valuables.

11 (k) Upon the completion of each cremation, and insofar as
12 is practicable, all of the recoverable residue of the cremation
13 process shall be removed from the cremation chamber.

14 (l) If all of the recovered cremated remains will not fit
15 within the receptacle that has been selected, the remainder of
16 the cremated remains shall be returned to the authorizing agent
17 or the agent's designee in a separate container. The crematory
18 authority shall not return to an authorizing agent or the
19 agent's designee more or less cremated remains than were
20 removed from the cremation chamber.

21 (m) A crematory authority shall not knowingly represent to
22 an authorizing agent or the agent's designee that a temporary
23 container or urn contains the cremated remains of a specific
24 decedent when it does not.

25 (n) Cremated remains shall be shipped only by a method that
26 has an internal tracing system available and that provides a

1 receipt signed by the person accepting delivery.

2 (o) A crematory authority shall maintain an identification
3 system that shall ensure that it shall be able to identify the
4 human remains in its possession throughout all phases of the
5 cremation process.

6 (p) The cremation authorization form shall also contain the
7 following statement in 12-point, bold font and be initialed by
8 the authorizing agent:

9 "IT IS ILLEGAL TO ABANDON CREMATED REMAINS IN A CEMETERY OR ON
10 PRIVATE PROPERTY WITHOUT THE CONSENT OF THE PROPERTY OWNER. YOU
11 CAN BE CHARGED WITH A MISDEMEANOR IF THE CREMATED REMAINS OF
12 YOUR LOVED ONE ARE ABANDONED IN ANY PLACE WHERE YOU HAVE NOT
13 BEEN GRANTED PERMISSION TO DISPOSE OF THEM.
14 INITIALS".

15 (Source: P.A. 96-338, eff. 1-1-10.)

16 (410 ILCS 18/7 rep.)

17 (410 ILCS 18/10 rep.)

18 (410 ILCS 18/11 rep.)

19 (410 ILCS 18/11.5 rep.)

20 (410 ILCS 18/12 rep.)

21 (410 ILCS 18/13 rep.)

22 (410 ILCS 18/20 rep.)

23 (410 ILCS 18/22 rep.)

24 (410 ILCS 18/25 rep.)

- 1 (410 ILCS 18/40 rep.)
- 2 (410 ILCS 18/55 rep.)
- 3 (410 ILCS 18/60 rep.)
- 4 (410 ILCS 18/62 rep.)
- 5 (410 ILCS 18/62.5 rep.)
- 6 (410 ILCS 18/62.10 rep.)
- 7 (410 ILCS 18/62.15 rep.)
- 8 (410 ILCS 18/62.20 rep.)
- 9 (410 ILCS 18/65 rep.)
- 10 (410 ILCS 18/80 rep.)
- 11 (410 ILCS 18/85 rep.)
- 12 (410 ILCS 18/87 rep.)
- 13 (410 ILCS 18/88 rep.)
- 14 (410 ILCS 18/89 rep.)
- 15 (410 ILCS 18/90 rep.)
- 16 (410 ILCS 18/91 rep.)
- 17 (410 ILCS 18/92 rep.)
- 18 (410 ILCS 18/93 rep.)
- 19 (410 ILCS 18/94 rep.)
- 20 (410 ILCS 18/95 rep.)

21 Section 927. The Crematory Regulation Act is amended by
22 repealing Sections 7, 10, 11, 11.5, 12, 13, 20, 22, 25, 40, 55,
23 60, 62, 62.5, 62.10, 62.15, 62.20, 65, 80, 85, 87, 88, 89, 90,
24 91, 92, 93, 94, and 95.

25 Section 930. The Vital Records Act is amended by changing

1 Sections 11 and 21 as follows:

2 (410 ILCS 535/11) (from Ch. 111 1/2, par. 73-11)

3 Sec. 11. Information required on forms.

4 (a) The form of certificates, reports, and other returns
5 required by this Act or by regulations adopted under this Act
6 shall include as a minimum the items recommended by the federal
7 agency responsible for national vital statistics, subject to
8 approval of and modification by the Department. All forms shall
9 be prescribed and furnished by the State Registrar of Vital
10 Records.

11 (b) On and after the effective date of this amendatory Act
12 of 1983, all forms used to collect information under this Act
13 which request information concerning the race or ethnicity of
14 an individual by providing spaces for the designation of that
15 individual as "white" or "black", or the semantic equivalent
16 thereof, shall provide an additional space for a designation as
17 "Hispanic".

18 (c) Effective November 1, 1990, the social security numbers
19 of the mother and father shall be collected at the time of the
20 birth of the child. These numbers shall not be recorded on the
21 certificate of live birth. The numbers may be used only for
22 those purposes allowed by Federal law.

23 (d) The social security number of a person who has died
24 shall be entered on the death certificate; however, failure to
25 enter the social security number of the person who has died on

1 the death certificate does not invalidate the death
2 certificate.

3 (e) If the place of disposition of a dead human body or
4 cremated remains is in a cemetery, the burial permit shall
5 include the place of disposition. The place of disposition
6 shall include the lot, block, section, ~~and~~ plot or niche, and
7 depth, if applicable, where the dead human body or cremated
8 remains are located. This subsection does not apply to cremated
9 remains scattered in a cemetery.

10 (Source: P.A. 96-863, eff. 3-1-10.)

11 (410 ILCS 535/21) (from Ch. 111 1/2, par. 73-21)

12 Sec. 21. (1) The funeral director or person acting as such
13 who first assumes custody of a dead body or fetus shall make a
14 written report to the registrar of the district in which death
15 occurred or in which the body or fetus was found within 24
16 hours after taking custody of the body or fetus on a form
17 prescribed and furnished by the State Registrar and in
18 accordance with the rules promulgated by the State Registrar.
19 Except as specified in paragraph (2) of this Section, the
20 written report shall serve as a permit to transport, bury or
21 entomb the body or fetus within this State, provided that the
22 funeral director or person acting as such shall certify that
23 the physician in charge of the patient's care for the illness
24 or condition which resulted in death has been contacted and has
25 affirmatively stated that he will sign the medical certificate

1 of death or the fetal death certificate. If a funeral director
2 fails to file written reports under this Section in a timely
3 manner, the local registrar may suspend the funeral director's
4 privilege of filing written reports by mail. In a county with a
5 population greater than 3,000,000, if a funeral director or
6 person acting as such interrs or entombs a dead body without
7 having previously certified that the physician in charge of the
8 patient's care for the illness or condition that resulted in
9 death has been contacted and has affirmatively stated that he
10 or she will sign the medical certificate of death, then that
11 funeral director or person acting as such is responsible for
12 payment of the specific costs incurred by the county medical
13 examiner in disinterring and reinterring or reentombing the
14 dead body.

15 (2) The written report as specified in paragraph (1) of
16 this Section shall not serve as a permit to:

17 (a) Remove body or fetus from this State;

18 (b) Cremate the body or fetus; or

19 (c) Make disposal of any body or fetus in any manner
20 when death is subject to the coroner's or medical
21 examiner's investigation.

22 (3) In accordance with the provisions of paragraph (2) of
23 this Section the funeral director or person acting as such who
24 first assumes custody of a dead body or fetus shall obtain a
25 permit for disposition of such dead human body prior to final
26 disposition or removal from the State of the body or fetus.

1 Such permit shall be issued by the registrar of the district
2 where death occurred or the body or fetus was found. No such
3 permit shall be issued until a properly completed certificate
4 of death has been filed with the registrar. The registrar shall
5 insure the issuance of a permit for disposition within an
6 expedited period of time to accommodate Sunday or holiday
7 burials of decedents whose time of death and religious tenets
8 or beliefs necessitate Sunday or holiday burials.

9 (4) A permit that accompanies a dead body, fetus, or
10 cremated remains brought into this State shall be authority for
11 final disposition of the body, fetus, or cremated remains in
12 this State, except in municipalities where local ordinance
13 requires the issuance of a local permit prior to disposition.
14 If there is no permit for cremated remains brought into this
15 State by a family member, a funeral director, an officer, or
16 manager of a cemetery authority may hand write or print the
17 permit or use the certificate of cremation as the permit ~~A~~
18 ~~permit which accompanies a dead body or fetus brought into this~~
19 ~~State shall be authority for final disposition of the body or~~
20 ~~fetus in this State, except in municipalities where local~~
21 ~~ordinance requires the issuance of a local permit prior to~~
22 ~~disposition.~~

23 (5) A permit for disposition of a dead human body shall be
24 required prior to disinterment of a dead body or fetus, and
25 when the disinterred body is to be shipped by a common carrier.
26 Such permit shall be issued to a licensed funeral director or

1 person acting as such, upon proper application, by the local
2 registrar of the district in which disinterment is to be made.
3 In the case of disinterment, proper application shall include a
4 statement providing the name and address of any surviving
5 spouse of the deceased, or, if none, any surviving children of
6 the deceased, or if no surviving spouse or children, a parent,
7 brother, or sister of the deceased. The application shall
8 indicate whether the applicant is one of these parties and, if
9 so, whether the applicant is a surviving spouse or a surviving
10 child. Prior to the issuance of a permit for disinterment, the
11 local registrar shall, by certified mail, notify the surviving
12 spouse, unless he or she is the applicant, or if there is no
13 surviving spouse, all surviving children except for the
14 applicant, of the application for the permit. The person or
15 persons notified shall have 30 days from the mailing of the
16 notice to object by obtaining an injunction enjoining the
17 issuance of the permit. After the 30-day period has expired,
18 the local registrar shall issue the permit unless he or she has
19 been enjoined from doing so or there are other statutory
20 grounds for refusal. The notice to the spouse or surviving
21 children shall inform the person or persons being notified of
22 the right to seek an injunction within 30 days. Notwithstanding
23 any other provision of this subsection (5), a court may order
24 issuance of a permit for disinterment without notice or prior
25 to the expiration of the 30-day period where the petition is
26 made by an agency of any governmental unit and good cause is

1 shown for disinterment without notice or for the early order.
2 Nothing in this subsection (5) limits the authority of the City
3 of Chicago to acquire property or otherwise exercise its powers
4 under the O'Hare Modernization Act or requires that City, or
5 any person acting on behalf of that City, to obtain a permit
6 under this subsection (5) when exercising powers under the
7 O'Hare Modernization Act.

8 (Source: P.A. 93-450, eff. 8-6-03.)

9 Section 995. No acceleration or delay. Where this Act makes
10 changes in a statute that is represented in this Act by text
11 that is not yet or no longer in effect (for example, a Section
12 represented by multiple versions), the use of that text does
13 not accelerate or delay the taking effect of (i) the changes
14 made by this Act or (ii) provisions derived from any other
15 Public Act.

16 Section 997. Severability. The provisions of this Act
17 (including both new and amendatory provisions) are severable
18 under Section 1.31 of the Statute on Statutes.

19 Section 999. Effective date. This Act takes effect upon
20 becoming law.